



**RE: Reading** 

**Christopher Day** to: Mcdonnell, Lee

06/22/2011 10:29 AM

CC: "Hepford, Gary", Lisa Trakis, "Hutchinson, Margaret (USAPAE)",  
"Arbaugh, Shawn"

That is correct for me - Lisa - if you are available you are welcome to come to my office. Thanks Lee!

Chris

"Mcdonnell, Lee"

Let's go with tomorrow morning at 9 am. I will ca...

06/22/2011 10:13:36 AM

From: "Mcdonnell, Lee" <lmcdonnell@state.pa.us>  
To: Christopher Day/R3/USEPA/US@EPA, "Hutchinson, Margaret (USAPAE)"  
<Margaret.Hutchinson@usdoj.gov>  
Cc: "Hepford, Gary" <ghepford@state.pa.us>, "Arbaugh, Shawn" <sarbaugh@state.pa.us>, Lisa  
Trakis/R3/USEPA/US  
Date: 06/22/2011 10:13 AM  
Subject: RE: Reading

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Let's go with tomorrow morning at 9 am. I will call both of you at these numbers: peg - 215-861-8282  
and Chris - 215-814-2481. Please confirm that these numbers are correct.

Thanks Lee

**Lee A. McDonnell, P.E.** | Water Quality Program Manager

Department of Environmental Protection

Southcentral Regional Office

909 Elmerton Avenue | Harrisburg, PA 17110-8200

717-705-4795 (phone) | 717-705-4760 (fax)

[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

**From:** Day.Christopher@epamail.epa.gov [mailto:Day.Christopher@epamail.epa.gov]

**Sent:** Wednesday, June 22, 2011 10:09 AM

**To:** Hutchinson, Margaret (USAPAE)

**Cc:** Hepford, Gary; Mcdonnell, Lee; Arbaugh, Shawn; Trakis.Lisa@epamail.epa.gov

**Subject:** RE: Reading

I am also free but generally not in the office until about 8:30 but could call in from the train if there is a call  
in number. I would prefer 9 start time - I am also copying Lisa Trakis to invite her in as well.

Chris

From: "Hutchinson, Margaret (USAPAE)" <Margaret.Hutchinson@usdoj.gov>  
To: "Mcdonnell, Lee" <lmcdonnell@state.pa.us>, Christopher Day/R3/USEPA/US@EPA, "Hepford, Gary" <ghepford@state.pa.us>  
Cc: "Arbaugh, Shawn" <sarbaugh@state.pa.us>  
Date: 06/22/2011 09:58 AM  
Subject: RE: Reading

Hi Lee- I am free tomorrow morning any time between 8 and 10. Peg

**From:** McDonnell, Lee [<mailto:lmcdonnell@state.pa.us>]

**Sent:** Wednesday, June 22, 2011 9:18 AM

**To:** Hutchinson, Margaret (USAPAE); Christopher Day ([day.christopher@epa.gov](mailto:day.christopher@epa.gov)); Hepford, Gary

**Cc:** Arbaugh, Shawn

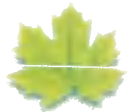
**Subject:** Reading

Peg, Chris,

Sorry we aren't going to get to talk this morning. Do you have any time tomorrow or Friday? See attached from Ralph Johnson, it's a good thing.

Lee

**Lee A. McDonnell, P.E.** | Water Quality Program Manager  
Department of Environmental Protection  
Southcentral Regional Office  
909 Elmerton Avenue | Harrisburg, PA 17110-8200  
717-705-4795 (phone) | 717-705-4760 (fax)  
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**RE: Reading** 

**Christopher Day** to: Hutchinson, Margaret (USAPAE)  
Cc: "Hepford, Gary", "Mcdonnell, Lee", "Arbaugh, Shawn", Trakis.Lisa

06/22/2011 10:09 AM

I am also free but generally not in the office until about 8:30 but could call in from the train if there is a call in number. I would prefer 9 start time - I am also copying Lisa Trakis to invite her in as well.

Chris

From: "Hutchinson, Margaret (USAPAE)" <Margaret.Hutchinson@usdoj.gov>  
To: "Mcdonnell, Lee" <lmcdonnell@state.pa.us>, Christopher Day/R3/USEPA/US@EPA, "Hepford, Gary" <ghepford@state.pa.us>  
Cc: "Arbaugh, Shawn" <sarbaugh@state.pa.us>  
Date: 06/22/2011 09:58 AM  
Subject: RE: Reading

Hi Lee- I am free tomorrow morning any time between 8 and 10. Peg

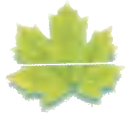
**From:** Mcdonnell, Lee [<mailto:lmcdonnell@state.pa.us>]  
**Sent:** Wednesday, June 22, 2011 9:18 AM  
**To:** Hutchinson, Margaret (USAPAE); Christopher Day ([day.christopher@epa.gov](mailto:day.christopher@epa.gov)); Hepford, Gary  
**Cc:** Arbaugh, Shawn  
**Subject:** Reading

Peg, Chris,

Sorry we aren't going to get to talk this morning. Do you have any time tomorrow or Friday? See attached from Ralph Johnson, it's a good thing.

Lee

**Lee A. McDonnell, P.E.** | Water Quality Program Manager  
Department of Environmental Protection  
Southcentral Regional Office  
909 Elmerton Avenue | Harrisburg, PA 17110-8200  
717-705-4795 (phone) | 717-705-4760 (fax)  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)



**Re: FW: Reading**   
**Christopher Day** to: Hutchinson, Margaret (USAPAE)  
Cc: Lisa Trakis

06/21/2011 12:50 PM

Yes - I am available between 2 and 4:30 - Lisa?

Chris

"Hutchinson, Margaret (USAPAE)" Are you available this afternoon?

06/21/2011 10:08:05 AM

From: "Hutchinson, Margaret (USAPAE)" <Margaret.Hutchinson@usdoj.gov>  
To: Christopher Day/R3/USEPA/US@EPA, Lisa Trakis/R3/USEPA/US  
Date: 06/21/2011 10:08 AM  
Subject: FW: Reading

---

Are you available this afternoon?

**From:** Hepford, Gary [mailto:ghepford@state.pa.us]  
**Sent:** Tuesday, June 21, 2011 9:09 AM  
**To:** Hutchinson, Margaret (USAPAE)  
**Subject:** Reading

Peg,

Are you available this afternoon for a short conference call? Lee would like to update you and discuss amending the CD.

**Gary L. Hepford** | Assistant Counsel  
Office of Chief Counsel  
Department of Environmental Protection  
South Central Regional Office  
909 Elmerton Avenue | Harrisburg, PA 17110-8200  
Phone: 717.787.8790 | Fax: 717.772.2400  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

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**Re: reading contempt referral**   
**Christopher Day** to: Lisa Trakis

06/16/2011 02:05 PM

Sounds reasonable Lisa - thanks! I will speak with you next week.

Lisa Trakis

Ok, thanks Chris. Does first draft by end of June...

06/16/2011 12:36:38 PM

From: Lisa Trakis/R3/USEPA/US  
To: Christopher Day/R3/USEPA/US@EPA  
Date: 06/16/2011 12:36 PM  
Subject: Re: reading contempt referral

---

Ok, thanks Chris.

Does first draft by end of June and into concurrence by end of July sound reasonable?

I can work on it during the week of 7/4, then I'm on travel the week of the 11th and then back the rest of July.

I will check in with Peg and PADEP today.

Lisa Trakis  
US EPA Region III (3WP42)  
1650 Arch St.  
Philadelphia, PA 19103

215-814-5433 (phone)  
215-814-2318 (fax)

Christopher Day  
Lisa Trakis

I will do the first draft of the referral and then sen...  
Hi Chris, Just wanted to check in to see if you ne...

06/16/2011 12:11:17 PM

06/16/2011 12:06:25 PM



**Re: reading contempt referral**   
**Christopher Day** to: Lisa Trakis  
Cc: Margaret.Hutchinson

06/16/2011 12:11 PM

History:

This message has been replied to.

I will do the first draft of the referral and then send to you to fill in - probably updating and confirming the list of violations and stipulated penalty calculations. I hope to get a first draft done by the end of June.

I am on vacation this week but checking email (and doing a few Bay calls). Can you give Peg a call after you check in with PADEP? Confirm with her that we are OK giving them the green light to do the preliminary work (not the trickling filters but something else I cannot remember right now - maybe the digestors?).

Thanks

Chris

Lisa Trakis

Hi Chris, Just wanted to check in to see if you ne...

06/16/2011 12:06:25 PM

From: Lisa Trakis/R3/USEPA/US  
To: Christopher Day/R3/USEPA/US@EPA  
Date: 06/16/2011 12:06 PM  
Subject: reading contempt referral

Hi Chris,  
Just wanted to check in to see if you need my help or need anything from me at this point for the Reading contempt referral?  
Michelle asked me when we expect to get that out and I told her I'd check with you and get back to her. I've never done a contempt referral before so I wasn't sure what to expect in terms of the amount of work/time required to complete the task.

Best,  
Lisa Trakis  
US EPA Region III (3WP42)  
1650 Arch St.  
Philadelphia, PA 19103

215-814-5433 (phone)  
215-814-2318 (fax)



**Fw: Reading - I could do 1 PM on Thursday 6/2**  
**Christopher Day** to: Margaret.Hutchinson  
Cc: Lisa Trakis

06/01/2011 02:24 PM

I could do 1 (or a few minutes after) if that works for you Peg.

Chris

----- Forwarded by Christopher Day/R3/USEPA/US on 06/01/2011 02:23 PM -----

From: "Hepford, Gary" <ghepford@state.pa.us>  
To: "'Hutchinson, Margaret (USAPAE)'" <Margaret.Hutchinson@usdoj.gov>, Christopher Day/R3/USEPA/US@EPA  
Cc: "Mcdonnell, Lee" <lmcdonnell@state.pa.us>, "Arbaugh, Shawn" <sarbaugh@state.pa.us>, "Corriveau, Edward" <ecorriveau@state.pa.us>  
Date: 06/01/2011 01:45 PM  
Subject: RE: Reading

---

Shawn and Lisa plan to talk tomorrow at 1:00. Please let me know if that works for you.

**Gary L. Hepford** | Assistant Counsel  
Office of Chief Counsel  
Department of Environmental Protection  
South Central Regional Office  
909 Elmerton Avenue | Harrisburg, PA 17110-8200  
Phone: 717.787.8790 | Fax: 717.772.2400  
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-----Original Message-----

**From:** Hepford, Gary  
**Sent:** Wednesday, June 01, 2011 1:41 PM  
**To:** 'Hutchinson, Margaret (USAPAE)'; Day.Christopher@epamail.epa.gov  
**Cc:** Mcdonnell, Lee; Arbaugh, Shawn; Corriveau, Edward  
**Subject:** RE: Reading

Peg,

We think it would be better to schedule the call for another day. I am available anytime tomorrow or Friday.

**Gary L. Hepford** | Assistant Counsel  
Office of Chief Counsel  
Department of Environmental Protection  
South Central Regional Office  
909 Elmerton Avenue | Harrisburg, PA 17110-8200  
Phone: 717.787.8790 | Fax: 717.772.2400  
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-----Original Message-----

**From:** Hutchinson, Margaret (USAPAE) [mailto:Margaret.Hutchinson@usdoj.gov]  
**Sent:** Wednesday, June 01, 2011 1:03 PM  
**To:** Hepford, Gary; Day.Christopher@epamail.epa.gov  
**Cc:** Mcdonnell, Lee  
**Subject:** RE: Reading

Hello all

I cannot do the call at 2. I am sorry. If Chris is not available at 2 then I will call Gary at 4 when I will be free to get the info- ok? peg

**From:** Hepford, Gary [mailto:ghepford@state.pa.us]  
**Sent:** Friday, May 27, 2011 9:51 AM  
**To:** Hutchinson, Margaret (USAPAE); 'Day.Christopher@epamail.epa.gov'  
**Cc:** Mcdonnell, Lee  
**Subject:** Reading

Peg/Chris,

The Department is meeting with Reading on June 1 at 10:00. Are you



available at 2:00 on June 1 to discuss the meeting?

Thanks.

**Gary L. Hepford** | Assistant Counsel  
Office of Chief Counsel  
Department of Environmental Protection  
South Central Regional Office  
909 Elmerton Avenue | Harrisburg, PA 17110-8200  
Phone: 717.787.8790 | Fax: 717.772.2400  
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**Fw: City of Reading WWTP Activity Update**  
**Christopher Day** to: Lisa Trakis

06/01/2011 09:10 AM

----- Forwarded by Christopher Day/R3/USEPA/US on 06/01/2011 09:09 AM -----

From: "Hay, Derald J." <DHay@foxrothschild.com>  
To: "'Margaret.Hutchinson@usdoj.gov'" <Margaret.Hutchinson@usdoj.gov>  
Cc: "'ghepford@state.pa.us'" <ghepford@state.pa.us>, Christopher Day/R3/USEPA/US@EPA,  
"Miravich, John J." <JMiravich@foxrothschild.com>  
Date: 05/31/2011 10:41 PM  
Subject: City of Reading WWTP Activity Update

---

Ms. Hutchinson,

Please see the attached letter from John Miravich regarding the recent activities undertaken by the City of Reading associated with the Wastewater Treatment Plant. Thank you, Derald

**Derald J. Hay**  
Attorney at Law  
**Fox Rothschild LLP**  
Eagleview Corporate Center  
747 Constitution Drive, Suite 100  
Exton, PA 19341-0673  
General Office: 610-458-7500  
Direct Dial: 610-458-2990  
E-mail: [dhay@foxrothschild.com](mailto:dhay@foxrothschild.com)  
[www.foxrothschild.com](http://www.foxrothschild.com)

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you for all expenses incurred. Thank you.



EX1-#1015898-v1-5\_31\_11\_Update\_to\_City\_of\_Reading\_WWTP.pdf



**Fw: U.S. v City of Reading 4/4/2011 Production Exhibits 1, 2, 3, 4-A, 4-B**  
**Christopher Day** to: Lisa Trakis

05/25/2011 02:20 PM

I think these are documents we already have but let's compare

----- Forwarded by Christopher Day/R3/USEPA/US on 05/25/2011 02:18 PM -----

From: "Miravich, John J." <JMiravich@foxrothschild.com>  
To: ""Hutchinson, Margaret (USAPAE)"" <Margaret.Hutchinson@usdoj.gov>, ""Hepford, Gary""  
<ghepford@state.pa.us>, Christopher Day/R3/USEPA/US@EPA  
Date: 05/25/2011 01:52 PM  
Subject: FW: U.S. v City of Reading 4/4/2011 Production Exhibits 1, 2, 3, 4-A, 4-B

---

Counsel:

Attached are the Program Schedule and Collection System Schedule that was part of the City's 4/4/2011 document production.

I understand that there may be some confusion at PaDEP as whether it received these schedules.

I will check but I believe by separate email these were forwarded to Gary.

Please confirm receipt of this email.

John

**From:** Miravich, John J.  
**Sent:** Monday, April 04, 2011 5:18 PM  
**To:** Peg Hutchinson (margaret.hutchinson@usdoj.gov)  
**Subject:** U.S. v City of Reading 4/4/2011 Production Exhibits 1, 2, 3, 4-A, 4-B

**John J. Miravich**  
Attorney At Law  
**Fox Rothschild LLP**  
Eagleview Corporate Center  
747 Constitution Drive, Suite 100  
P.O. Box 673  
Exton, PA 19341-0673  
610.458.3128 - direct  
610.458.7337 - fax  
610.507.4028 - cell  
610.779.4543 - home  
[jmiravich@foxrothschild.com](mailto:jmiravich@foxrothschild.com)

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you for all expenses incurred. Thank you. EX1-#1005622-v1-Exhibit\_1\_Overall\_Program\_Schedule.PDF



EX1-#1005625-v1-Exhibit\_2\_Collection\_System\_Schedule.PDF



**Reading - I will call you at 10 AM Monday 5/23**

**Christopher Day** to: Margaret.Hutchinson

Cc: Lisa Trakis

05/20/2011 05:17 PM

My cell is 215 906-6487 and I will be working from home. I will catch you up to where we are - as explained Lisa T. is working to get our technical review of the Reading proposal.

Hopefully we can talk Tuesday. Lisa?

Chris



**Fw: All Things Considered : NPR**  
**Christopher Day** to: Lisa Trakis  
Cc: Michelle Price-Fay, Stephen Field

03/11/2011 09:25 AM

Story about Reading's financial decline including the sewer fund grab

----- Forwarded by Christopher Day/R3/USEPA/US on 03/11/2011 09:25 AM -----

From: "Hepford, Gary" <ghepford@state.pa.us>  
To: "Mcdonnell, Lee" <lmcdonnell@state.pa.us>, "Arbaugh, Shawn" <sarbaugh@state.pa.us>, "Hutchinson, Margaret (USAPAE)" <Margaret.Hutchinson@usdoj.gov>, Christopher Day/R3/USEPA/US@EPA, "Allan, Patricia M (DEP)" <pmallan@state.pa.us>  
Date: 03/11/2011 08:52 AM  
Subject: All Things Considered : NPR

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Below is a link to a National Public Radio story about Reading.

<http://www.npr.org/programs/all-things-considered/>



**Re: Fw: Reading**   
**Christopher Day** to: Lisa Trakis

03/10/2011 06:14 PM

Can you check in with PADEP to see what at least Shaun is thinking ? I will look for a time on Tuesday and send you scheduler

Chris

Lisa Trakis

Hi Chris, I am available after 2 on the 15th for a...

03/10/2011 05:34:07 PM

From: Lisa Trakis/R3/USEPA/US  
To: Christopher Day/R3/USEPA/US@EPA  
Cc: Jim Kern/R3/USEPA/US@EPA, Michelle Price-Fay/R3/USEPA/US@EPA, Stephen Field/R3/USEPA/US@EPA  
Date: 03/10/2011 05:34 PM  
Subject: Re: Fw: Reading

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Hi Chris,  
I am available after 2 on the 15th for a call. If we are going to recommend this to management we need to know what the extra 6 months is getting us in terms of data/knowledge. I agree with you, I'm hesitant to weigh in until we have more detailed information on why PADEP thinks giving them an extra 6 months is worthwhile. We also haven't received the proposed schedules, etc that we requested at our previous meeting.

Lisa Trakis  
US EPA Region III (3WP42)  
1650 Arch St.  
Philadelphia, PA 19103

215-814-5433 (phone)  
215-814-2318 (fax)

Christopher Day

Lisa - please talk with Jim and give me your input...

03/09/2011 10:11:24 AM



**Barley Snyder LLC**  
ATTORNEYS AT LAW

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Reading, PA 19603-0942  
Tel 610.376.6651 Fax 610.376.5243  
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**Keith Mooney, Esquire**  
Direct Dial Number: 610-898-7155  
E-mail: kmooney@barley.com

June 10, 2010

VIA FEDERAL EXPRESS AND EMAIL ATTACHMENT

Margaret L. Hutchinson, Esq.  
United States Department of Justice  
615 Chestnut Street, Suite 1250  
Philadelphia, Pa 19106-4476

Re: **U.S. and PADEP v. City of Reading, Pa**  
**Civil Docket No. 04-05696 (E.D. Pa) (JKG)**

Dear Ms. Hutchinson:

On behalf of the City of Reading ("City"), I am writing this correspondence to confirm receipt of your letter dated May 27, 2010, on behalf of the Department of Justice ("DOJ") and Environmental Protection Agency ("EPA") (hereinafter referred to as "May 27 Letter") and to address the concerns expressed in the May 27 letter. The May 27 letter expressed concerns regarding the City's compliance with the consent decree entered into on November 7, 2005 ("Consent Decree").

First, as noted in the May 27 Letter, substantial progress has been made by the City with regard to the staffing, management, operation, and maintenance of the City's wastewater treatment plant ("WWTP"). In fact, over the past approximately 5 years, the WWTP has been operated by the City without any significant exceedance of the City's NPDES permit. In addition, the City has devoted significant resources to many of the steps contemplated by the Consent Decree, including, without limitation, each of the steps outlined in the "Description of NPDES Compliance Under the U.S. Department of Justice Consent Decree, dated March 17, 2010 (previously submitted to DOJ and EPA and attached as Exhibit 1).

Unfortunately, for reasons that will be explained in further detail below, these actions by the City have not gotten us as far toward satisfaction of the requirements of the Consent Decree as both parties anticipated. This was not from lack of commitment by the City or due to a failure to expend appropriate funds. The City has learned a great deal from this process, and, as the performance of the WWTP over the last few years demonstrates, this has allowed the City to achieve compliance with the NPDES permit on a current and consistent basis. The City understands the need to develop a Master Plan for the entire system, including the WWTP, the collection system, the industrial pretreatment program, all while continuing to meet permit.

As to the ultimate solution of certain problems addressed by the Consent Decree, the City has run into substantial obstacles and, in some cases, seeks the assistance of DOJ and EPA.

For example:

1. The analysis and design report by Black & Veatch that was intended to result in the building of a new WWTP, resulted in a design that is not buildable, for economic and other reasons, and, in some cases, appears to be unnecessary. The City intends to have an analysis of the existing WWTP process completed over the coming months to document its current capabilities.

2. The contractor, which was hired by the City for the GIS, proved unable to complete the job. After resolving issues with that contractor, the City has been forced to go through a separate bid process to engage a new firm. The contract with that new firm was recently executed. Because this step was a necessary prerequisite to the full collection system evaluation, that evaluation has been delayed as well.

3. The City has met substantial resistance in its attempts to renegotiate the intermunicipal agreements. At some point, the City may need to discuss with you whether DOJ, EPA and/or DEP could provide assistance to help move progress on these agreements forward.

4. The economic downturn and corresponding erosion of the City's tax basis has put more and more pressure on the City's use of available funds. This situation has led to the need to borrow funds, as a temporary stop-gap measure, and a delay in the City's use of those funds for WWTP purposes.

Each of these issues is discussed in more detail below. Please note: *the City is committed to making significant additional improvements to its WWTP and system.* We understand that the last five years of operation in compliance with NPDES permit, though a strong sign of the City's commitment to the challenge of operating a fully compliant system for itself and surrounding municipalities, may not be sufficient to assure long term success and compliance for the aging system. We are diligently working with the PM/CM team to define the scope and detail of an achievable Amended Consent Decree Plan. It is the City's intent to continue to meet permit now and in the future and to meet the mandates of the Consent Decree.

1. Current WWTP Proposal or Amended Consent Decree Plan

The City of Reading desires to formally withdraw its May 2009 proposal for decree modification. The reasoning behind the City's withdrawing of its May 2009 proposal for decree modification is summarized in this section. Furthermore, the City has attached an overview of the City's revised request. See Exhibit 2. Specifically, it is the City's desire, for which it hopes to receive DOJ's approval, to develop a new Existing Plant Process Evaluation Report and conduct an Evaluation of Treatment Alternatives Report as a precursor to the adoption of an aggressive Capital Improvements Plan. The City and its consultants believe that this approach will show that a significant portion of the City's current treatment plant can be utilized to allow it to continue to meet the terms and conditions of its current and future NPDES permits.

It is the City's intention to utilize the engineering firm of Hazen and Sawyer to complete a new Existing Plant Process Evaluation Report and conduct a new Evaluation of Treatment Alternatives (Consent Decree ¶ 18). The City would then like to revisit the existing Black & Veatch design, which is approximately 90 percent complete, during this process, and determine if the capital improvements projects resulting from the aforementioned reports and set forth in the design can be used as part of an aggressive Capital Improvements Program (Consent Decree ¶ 19) designed to allow the City to continue to meet the terms and conditions of its current and future NPDES permits. The City is also continuing to progress with other Consent Decree mandated projects (i.e. collection system, industrial pretreatment program) as set forth above and as has been submitted in previous, including the April, 2010, quarterly reports which are submitted to DOJ.

Furthermore, the City has made some administrative changes in the operations of its wastewater treatment operations which it believes makes more efficient use of its existing key personnel and will provide for better administrative oversight with regard to Consent Decree issues. Specifically, the Managing Director, Carl Geffken, has assumed responsibility for Consent Decree compliance and those key administrative personnel within the City's wastewater treatment division now report directly to Mr. Geffken with regard to Consent Decree issues.

Lastly, the City intends to complete the collection system tasks which are currently set forth in the Consent Decree. Unfortunately due to problems with the City's original GIS contractor, the City has been unable to complete the hydraulic modeling necessary to identify the majority of issues present within the collection system. Also, the City is in the process of identifying and programming improvements to certain high priority areas within the collection system of which it is aware, outside the hydraulic modeling process, in an effort to take advantage of certain funding opportunities which have a finite window of opportunity to be accessed.

2. Past and Current Compliance with the City's NPDES Permit

As pointed out in the May 27 Letter, the City of Reading is aware that it historically has had issues with regard to complying with the terms and conditions of its NPDES permit. As a matter of fact the City's historic inability to consistently comply with said permits terms and conditions is what lead to the institution of the litigation which culminated in the current Consent Decree. However, the City has operated the WWTP for the last five years in substantial compliance with the NPDES permit. A recent inspection by DEP and EPA resulted in a May 19, 2010, Notice of Violation from DEP that identified specific concerns. The City has prepared a response to that Notice, attached hereto as Exhibit "3", and will be working with DEP to resolve its concerns.

3. Completion of the Collection System Evaluation and GIS Mapping

The City recognizes the importance of the GIS mapping for an electronic field verification of paper maps as, a tool to aid in recording, directing, and prioritizing maintenance

and reducing the response times to wet weather events and minimizing any associated sanitary sewer overflows. In fact, the City prepared and advertised a Request for Proposals (RFP) for the GIS-based physical inventory of the sanitary and stormwater collections systems within days of the acceptance and execution of the Consent Decree by the Federal Court.

Proposals were received December 7, 2005, less than one month from the Consent Decree's date of entry. Following the City's selection committee's review, interview, and recommendation to City Council, a contract was executed on April 28, 2006. This was followed by the project kickoff meeting on June 9, 2006 and data collection beginning in July 2006. The initial schedule per the RFP and Contract included final data deliveries by phase with the following dates in the initial contractor-generated schedule:

- Phase 1 – November 1, 2006 Large diameter sanitary for hydraulic modeling  
Phase 2 – November 1, 2007 Remaining sanitary, Due November 7, 2007 per Consent Decree  
Phase 3 – October 31, 2008 Storm in its entirety, Due November 7, 2008 per Consent Decree

The initial data delivery for phase one data began in the fourth quarter 2006 on November 13, 2006 – twelve day after the scheduled date. Unfortunately, the City's review of the data yielded problems with completeness, data quality and accuracy. The City worked with the contractor to address these issues for many months as was reported in the quarterly update reports provided to DOJ. This included attempts at mayoral intervention with the contractor to emphasize the importance of the contract to the City. The contractor amended the original schedule multiple times in an attempt to provide the City with the work as contracted so as not to impact the Consent Decree and incur damages. The original schedule was amended despite the impact on the hydraulic modeling that is dependent upon the accurate data for the larger conveyance system. During this time, the contractor also had numerous project managers assigned as others left their employ and finally the project director left the firm as well. This turnover in assigned staff by the contractor created issues with regard to information gathering, consistency and continuity with regard to the Contractor's ability to complete the assigned tasks.

Despite the City's efforts, in 2008, the City informed the contractor that they desired to part ways and terminate this contractual relationship. As this was being communicated, the Phase 1 data was still not complete and accurate leaving the dependent hydraulic modeling incomplete as a result. While the terms of the contract termination were being negotiated, the City began revising the RFP and decided to use an expedited request for qualifications (RFQ)/RFP process. The final terms of the contract termination were negotiated on March 31, 2009 and the agreement executed on April 21, 2009. This agreement requires the City to begin fresh and not reuse any data developed as there is a complete liability release.

The second Global Positioning System (GPS) Mapping RFP was advertised in June 2009 with a pre-proposal conference and subsequent proposals received on July 21, 2009. Following



the selection committee review, interview, and recommendation to City Council, an award was made on August 24, 2009. Contract negotiations began thereafter with a project planning and kickoff meeting on December 1, 2009. As discussed in the quarter ending March 31, 2010 report to the regulators, the contractor proposed performing a pilot phase with one crew to refine any system and database issues prior to beginning phase one with much of this pilot area included in phase one. The final terms of the new contract were agreed upon in May 2010 with the contract execution occurring in early June. Per your request, a copy of the executed contract is attached hereto as Exhibit "4".

4. Status of Inter-municipal Sewer Agreement Negotiations

In an effort to commence the renegotiation and execution of new inter-municipal agreements, the City on or about March 8, 2010, transmitted a new intermunicipal agreement to the contributing municipalities. The documents were prepared by counsel for the City after performing significant amounts of research to understand the existing processes and financial cash flow of the treatment facility in order to appropriately and fairly apportion the relative fee structure to avoid disproportional treatment. The City believes that the new agreement, which is generally modeled after the existing agreement, fairly distributes the cost sharing. The substantive difference between the two agreements is that the new agreement allows for the City to capture debt service contemporaneously as it is paid as opposed to through the depreciation of assets. This difference, coupled with more accurate accounting of flow, is designed to base the sewage charges strictly on the respective flow contributed by each party to the agreement.

On March 23, 2010, Counsel for the City met with several of the key municipalities to discuss their general comments to the proposed agreement. Prior to and during the meeting, the municipalities raised extreme concern about the potential increase in their respective sewer rates. The municipalities have taken the position that the City is not entitled to modify, nor will they accept the proposed modification, to the fee structure. In fact, the municipalities are attempting to negotiate the removal of a component of the fee structure that even exists in the current agreement to further reduce their respective contribution to the operational costs of the treatment facility.

It was not until May 17, 2010, that Muhlenberg and Laureldale provided substantive comments to the proposed agreement. The City is still waiting for comments from the other municipalities. Counsel for the City is continuing the process of negotiating with the municipalities to find acceptable terms, but the municipalities have insisted on taking a hard line on the fee structure. As evident from the affordability analysis provided by Black and Veatch, which bases its assumptions on the fee structure in the proposed agreement, the City is unable to provide a substantive reduction to the proposed rate structure without significantly jeopardizing its ability to cover essential costs of upgrading the facilities without even further burdening the City's residents.

While the City is hopeful that it can reach an acceptable renegotiated agreement with the municipalities on the legal terms, it still remains unclear what else the City can do about the financial terms. The City will continue to keep the Department of Justice informed of the progress it is making to renegotiate the agreement. The City understands the need to have a new agreement in place and, in fact, is very motivated to reach the agreement in order to help off-set the substantial burden that the City's residents are forced to carry for the benefit of the municipalities.

5. Economic Issues, Including, The City's Borrowing of \$11.5 Million from the Sewer Revenue Fund

In the May 27 Letter perceived inequities between the City residents' financial contributions to the treatment and processing of wastewater compared to that of the residents in the contributing municipalities are noted. Also, the City's borrowing of 11.5 million dollars from the sewer revenue fund in calendar year 2009 is noted in said letter. The City will attempt to provide detail and insight with regard to both of these economic issues surrounding its wastewater treatment operations.

Your letter discusses the Black & Veatch Financial Analysis and appears to have reached a conclusion of "an enormous disparity between the wastewater fees charged to City residents of \$14.7 million in wastewater fees for treatment of 1.7 million gallons while the 13 municipalities collectively paid \$9.8 million for 187 million gallons." We wish to clarify this statement as there are some discrepancies evident upon further review of the source document relative to the units of measure that seriously impact this conclusion. Additionally, the treatment amounts referenced were from 2008 while the revenues noted were 2009 estimates. Further clarification by Black & Veatch provided the 2008 revenue used and discrepancies in the report relative to the units as it is written. The City volumes are based on the sum of both the gallon meters in 1000 gallons as and the cubic feet meters, incorrectly reported as 100 cubic feet when they had been converted to feet. The municipal volumes are based on the sum of equivalent dwelling units (EDUs) on a quarterly basis to complete the annual comparison, not gallons. For ease of comparison, we will present each as written and convert to common units for both flows and revenues using 2008 as the base year consistent with the report( to see the report please see the spreadsheet attached hereto as Exhibit "5").

The municipal treatment and transportation rates are calculated according to the method detailed in the current intermunicipal agreements. These are based upon audited actual expenditures from the prior year. Simultaneous, the municipalities provide the number of residential connections and equivalent non-residential flows in order to proportion the expenses on a per equivalent dwelling unit (EDU) basis per the existing agreements. This rate then becomes effective the following April. For example, in 2009 we developed the rates based upon 2008 operations that will become effective the second quarter in 2010. In contrast, the City's user rates are not based upon actual expenditures but are based on a projection of the amount

required to balance the operating budget of the system and support any capital payments due. The City's current payment lag from the municipalities is more than two years from when the actual expenses occur until payment is received for both operations and capital.

As you are aware, in calendar year 2009 the City's general fund borrowed \$11.5 million above the \$3 million transfer which is allowed by the Consent Decree. The \$11.5 million was borrowed from the sewer fund in order to maintain municipal operations and to meet the City's debt obligations.

The reasons the City borrowed the \$11.5 million was due to a severe imbalance between actual revenues and expenditures, above the structural deficit the City faced each fiscal year. At the beginning of 2009, the revenues and expenditures in the budget were in balance; however the impact of the economic downturn exacerbated the optimistic revenue assumptions resulting in a projected budget deficit of \$16 million before transfers and a one-time payment from the Parking Authority.

By August 2009, the City had borrowed close to \$8 million and the money could not have been repaid at that time unless the vast majority of City services were closed. The City felt it was best to focus on the 2010 budget by combining increases in revenues and decreases in expenditures. To accomplish this, the City raised property taxes, earned income taxes, and most of the fees and fines. In addition, the City reduced full-time headcount in the general fund by over 65 positions and cut non-salary spending. The actions of the City's Administration and Council have had the desired effect. The budget deficit for 2010 is projected to be approximately \$2 million and the City will make mid-year budget reductions to close the gap. The budget deficit projection will be finalized in July 2010.

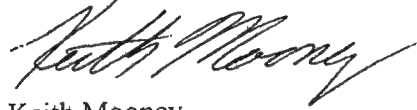
The City has repaid \$3.5 million to date and will continue to do so until the liability is cleared. The final version of the Act 47 recovery plan, if approved, not only addresses the structural imbalances in the budget but also assists in the repayment of the remaining \$8 million. Specifically, the Act 47 Recovery Plan, if approved, provides for the repayment of the remainder of the loan in 2011. The City will keep DOJ posted on the repayment of the loan and will work with DOJ in the future if a similar economic situation arises where a transfer becomes necessary to keep basic City services operating.

Lastly, in a separate communication, you expressed concern about the 5 million dollar grant which the City received towards the construction and completion of a new conveyance system to transport sewer flows across the Schuylkill River to the treatment plant. The City would like to assure you that the 5 million dollar grant remains in a restricted, non-City controlled, account and that none of that money has been accessed by the City.

June 10, 2010  
Page 8

The City looks forward to meeting with you in the near future to discuss the matters presented in this letter report.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Mooney". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Keith Mooney

cc: Christopher M. Roe, Fox Rothschild LLP  
John J. Miravich, Fox Rothschild LLP



U.S. Department of Justice

6/2/10

United States Attorney

Eastern District of Pennsylvania

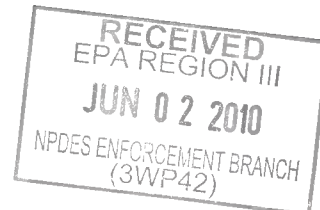
Margaret L. Hutchinson  
Direct Dial: (215) 861-(215) 861-8282  
Facsimile: (215) 861-8349  
E-mail Address: MHutchinson@usa.doj.gov

615 Chestnut Street  
Suite 1250  
Philadelphia, Pennsylvania 19106-4476  
(215) 861-8200

May 27, 2010

By Electronic and First Class Mail

Keith Mooney  
Counsel for City of Reading  
Barley Snyder LLC  
50 North Fifth Street, P.O. Box 942  
Reading, PA 19603-0942



Re: U.S. and PADEP v. City of Reading, PA  
Civil Docket No. 04-05696 (E.D. Pa) (JKG)

Dear Mr. Mooney:

The United States, on behalf of the United States Environmental Protection Agency (EPA) writes this letter to express significant concerns regarding the compliance by the City of Reading with the above captioned Consent Decree. This letter is for the purpose of outlining the Government's concerns prior to, but without any waiver of our rights to, invocation of the remedies set forth in the Decree including, but not limited to, stipulated penalties and contempt of Court.

As you know, the Decree settling the above captioned case was entered by the Court on November 7, 2005. In that Decree, the Court approved the binding commitments made by the City to accomplish a number of tasks so that the City could return to and remain in compliance with the Clean Water Act (CWA) and the Pennsylvania Clean Streams Law. With some exceptions noted below, the City has accomplished many improvements in the staffing, management, operation and maintenance of the wastewater treatment plant (WWTP). In addition, the City has done a good job in management of the Supplemental Environmental Project (SEP) to restore the Angelica Creek in the Angelica Park. That is why it was even more disturbing that the City of Reading appears to have violated terms and commitments set forth in the Decree.

The Consent Decree addressed the City of Reading's violations and long history of noncompliance with its NPDES permit and the Clean Water Act. As I am sure you are aware, the parties spent over two years negotiating the Consent Decree and agreeing on both the scope of injunctive relief, the penalty and the Supplemental Environmental Project. I personally met with the Reading City Council to answer their questions and support the City of Reading



Keith Mooney  
May 27, 2010  
Page 2

Administration in agreeing to this settlement. The Consent Decree at Paragraph 23 contains a generous schedule for replacement (January 15, 2010) and/or major rehabilitation of the wastewater treatment plant (September 15, 2012) in part in consideration of the financial position of the City of Reading. We approved Reading's original alternative selection to perform major rehabilitation at the WWTP by my letter dated April 28, 2006. We met again with the City on May 26, 2009 to hear and consider the City's request for an alternative selection and a modest extension of the construction schedule. Although both EPA and PADEP responded favorably to that May 2009 request, the City recently stopped responding to requests for more information necessary to conclude that discussion and/or a modification of the Consent Decree.

We understand from our conversation with Mr. Mooney that the city believes that two years without significant exceedance of its NPDES permit effluent limits demonstrates that no further injunctive relief is necessary. While that time period without such an exceedance may represent the results of short term improvements in management, staffing and operations required by Paragraphs 13-17 of the Decree, we do not agree this represents a material change that eliminates the need for significant long term relief. Based on both recent and historic inspections by EPA and PADEP, very significant improvements are necessary for both the WWTP and the collection system in the City of Reading.

In addition, it is our understanding that the City of Reading has not met the obligations to complete the sewer system evaluations or GIS mapping as required by Paragraphs 25-27 of the Decree. Please inform us of your plans to complete those obligations as soon as possible.

Moreover, as set forth in Paragraph 40 of the Decree, we agreed to allow Reading to continue the transfer of some sewer revenue funds for general fund purposes. The Decree provided that Reading would reduce its transfer from the 2003 sum of \$6,790,505 by \$750,000 for each calendar year until such time as the amount reached \$3 million. Our position was that excessive skimming of the sewer funds for the general fund did not provide enough resources to staff, operate and maintain the WWTP and collection system as required by the CWA and the Decree. We appreciated that the City of Reading was financially challenged and, as a result, made a reasonable accommodation in the Decree. Please note that Paragraph 64 of the Decree provides that "[u]nanticipated or increased costs or expenses associated with implementation of this Consent Decree and changed financial circumstances shall not, in any event, be considered 'force majeure' events."

As recently revealed by the City's quarterly report dated April 30, 2010, the City has been "borrowing" funds from the sewer revenue funds to be used in the general funds, with \$11 million being diverted in 2009. The City had not previously disclosed this information. The Decree does not provide for any such transfer including loans from the sewer revenue funds in excess of \$3 million and the current "borrowing" is another breach of the Decree.



An additional concern is that it appears that the city is having its residents subsidize the cost of treating other municipalities' waste water. The Decree at Paragraph 40 notes that another relevant source of revenue for the City is the thirteen other municipalities that contribute wastewater to the Reading system and pay the City as provided in intermunicipal agreements. The City acknowledged during discussions in 2002-2004 that these intermunicipal agreements were out of date and generally did not provide the City revenue consistent with the fees charged to City residents. The City made a commitment to renegotiate those agreements. The Financial Analysis by Black and Veatch recently submitted (by your office) documents an enormous disparity between the wastewater fees charged to City residents of \$14.7 million in wastewater fees for treatment of 1.7 million gallons while the 13 municipalities collectively paid \$9.8 million for 187 million gallons. We understand that none of the 13 agreements have been renegotiated. Please clarify if this understanding is incorrect in any way.

In summary, the United States is evaluating the remedies to seek, including, but not limited to, seeking stipulated penalties and, if so, in what amount for these violations of the Decree.

To determine the next steps, please answer the following questions in writing to counsel:

1. Is the City withdrawing its May 2009 proposal for Decree modification? If so, what specifically is City's alternative proposal?
2. What is the City's current proposal with respect to the Treatment plant, and collection system issues?

While we are sympathetic to the City of Reading's conditions, that does not relieve the City's obligations to comply with the Decree and CWA. Please submit the City's written response to this letter within two weeks. Soliciting a written response from the City must not be construed as a waiver of any stipulated penalties that have accrued to date.

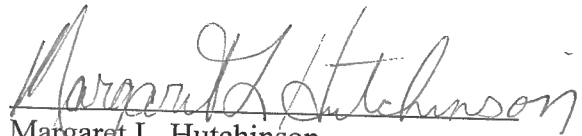


Keith Mooney  
May 27, 2010  
Page 4

Thank you for your cooperation in this matter. We look forward to continuing to work constructively with you in the future. If you have any questions, please call me at (215) 861-8282, or Christopher A. Day at EPA at (215) 814-2481.

Sincerely,

ZANE DAVID MEMEGER  
United States Attorney

  
Margaret L. Hutchinson  
Assistant United States Attorney  
Chief, Civil Division

cc: Jon Capacasa, EPA  
Christopher A. Day, EPA  
Ms. Lisa Trakis, EPA ✓  
Gary Hepford, PADEP  
Randy King, PADEP







**Fw: Reading**  
**Christopher Day** to: Trakis.Lisa  
Cc: Margaret.Hutchinson

10/05/2011 09:48 AM

History:

This message has been replied to.

Do we want to talk today about Reading? I am free at 11 or 2-2:30 or 4 PM.

Chris

----- Forwarded by Christopher Day/R3/USEPA/US on 10/05/2011 09:47 AM -----

From: "Hepford, Gary" <ghepford@pa.gov>

To: "Hutchinson, Margaret (USAPAE) [Margaret.Hutchinson@usdoj.gov] (Margaret.Hutchinson@usdoj.gov)" <Margaret.Hutchinson@usdoj.gov>, Christopher Day/R3/USEPA/US@EPA

Cc: "Mcdonnell, Lee" <lmcdonnell@pa.gov>, "Sokolow, Martin H." <msokolow@pa.gov>

Date: 10/05/2011 08:42 AM

Subje Reading

ct:

Peg,

Just wanted to give you a heads up that the Department has made the decision to authorize the replacement of the leaking section of the force main as an emergency repair. My understanding is that authorizing the work as an emergency allows Reading to bypass the bidding process and get it done much sooner. The authorization letter should be going out sometime today or tomorrow.

Call if you want to discuss.

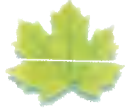
Thanks.

**Gary L. Hepford** | Assistant Counsel  
Office of Chief Counsel  
Department of Environmental Protection  
South Central Regional Office  
909 Elmerton Avenue | Harrisburg, PA 17110-8200  
Phone: 717.787.8790 | Fax: 717.772.2400  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

**ATTORNEY WORK PRODUCT**

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**Fw: EWS Water Quality Event - ID 330 RESOLVED READING**  
**Christopher Day** to: Margaret.Hutchinson  
Cc: Trakis.Lisa

09/22/2011 10:25 AM

for the moment anyway good news

----- Forwarded by Christopher Day/R3/USEPA/US on 09/22/2011 10:25 AM -----

From: Charles Kanetsky/R3/USEPA/US  
To: Christopher Day/R3/USEPA/US@EPA, Trakis.Lisa@epamail.epa.gov, Michelle Price-Fay/R3/USEPA/US@EPA  
Date: 09/22/2011 07:13 AM  
Subject: Fw: EWS Water Quality Event - ID 330 RESOLVED READING

ain't no mountain high enough!

Chuck Kanetsky  
Source Water Protection Program Manager  
U. S. EPA Region III  
Drinking Water Branch (3WP21)  
1650 Arch Street  
Phila., PA 19103-2029  
Phone: 215-814-2735  
Fax: 215-814-2318

----- Forwarded by Charles Kanetsky/R3/USEPA/US on 09/22/2011 07:11 AM -----

From: Notifications@delawarevalleyews.org  
To: Charles Kanetsky/R3/USEPA/US@EPA  
Date: 09/22/2011 06:58 AM  
Subject: EWS Water Quality Event - ID 330 RESOLVED

The status of this water quality event has been changed to resolved on 9/22/2011 at 6:58 AM.

For more information about this event please visit the Early Warning System website at <http://www.delawarevalleyews.org>.

Event Summary Information:

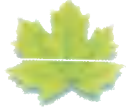
ID: 330  
Reported Risk: High  
Date/Time: 9/21/2011 12:17:00 PM  
Status: Resolved  
Location: Reading City, PA, Berks County  
Waterway where spill was first observed: Unspecified

Description:

Repairs to the force main were completed and the raw sewage bypass of the 6th and Canal Pump Station was ceased at 0435 on 9/22/11.

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**Fw: EWS Water Quality Event - ID 330 UPDATED**  
**Christopher Day** to: Margaret.Hutchinson  
Cc: Trakis.Lisa

09/21/2011 03:26 PM

----- Forwarded by Christopher Day/R3/USEPA/US on 09/21/2011 03:26 PM -----

From: Charles Kanetsky/R3/USEPA/US  
To: Christopher Day/R3/USEPA/US@EPA, Trakis.Lisa@epamail.epa.gov, Michelle Price-Fay/R3/USEPA/US@EPA  
Date: 09/21/2011 02:56 PM  
Subject: Fw: EWS Water Quality Event - ID 330 UPDATED

This is version 2. Version 1 at 9:00 am said nothing. I think PADEP is getting tired of sending these out.

Chuck Kanetsky  
Source Water Protection Program Manager  
U. S. EPA Region III  
Drinking Water Branch (3WP21)  
1650 Arch Street  
Phila., PA 19103-2029  
Phone: 215-814-2735  
Fax: 215-814-2318

----- Forwarded by Charles Kanetsky/R3/USEPA/US on 09/21/2011 02:55 PM -----

From: Notifications@delawarevalleyews.org  
To: Charles Kanetsky/R3/USEPA/US@EPA  
Date: 09/21/2011 12:22 PM  
Subject: EWS Water Quality Event - ID 330 UPDATED

An update to a water quality event was entered on the Delaware Valley Early Warning System on 9/21/2011 at 12:22 PM.

Summary information for the update to the event is shown below.

For more information about this event please visit the Early Warning System website at <http://www.delawarevalleyews.org>.

The following fields have been updated:  
Event Date/Time, Status, Hazard Information

Event Summary Information:

ID: 330

Reported Risk: High

Date/Time: 9/21/2011 12:17:00 PM

Status: Confirmed Report

Location: Reading City, PA, Berks County

Waterway where spill was first observed: Unspecified

Description:

Raw sewage began bypassing the 6th and Canal Pump Station at approximately 1217 in order to make two emergency repairs to the 42" force main. The sewage is being screened to remove solids; and oxygen and sodium hypochlorite is being injected into the bypass. The bypass is estimated at 8-10 MGD.

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**Re: Reading call**   
**Christopher Day** to: Lisa Trakis  
Cc: Margaret.Hutchinson

09/21/2011 03:23 PM

Good idea. I am available next week at 1:30 Lisa - sorry I have not gotten back to you today.

Peg- even if you are not available I would recommend we go ahead and have the call with PADEP.

Lisa Trakis

**Hello Peg and Chris, Are you available next We...**

09/21/2011 02:36:14 PM

From: Lisa Trakis/R3/USEPA/US  
To: Margaret.Hutchinson@usdoj.gov, Christopher Day/R3/USEPA/US@EPA  
Date: 09/21/2011 02:36 PM  
Subject: Reading call

---

Hello Peg and Chris,

Are you available next Wednesday 9/28 at 1:30 pm for a call with PADEP to discuss Reading?


As you know they have had and continue to have issues with breaks in their force main.

PADEP will give us a summary of the events of the past month. Additionally, I understand that Reading has proposed pulling the digester project off the expedited path to free up capital for additional fixes to the force main.

Thank you,  
Lisa Trakis  
US EPA Region III (3WP42)  
1650 Arch St.  
Philadelphia, PA 19103

215-814-5433 (phone)  
215-814-2318 (fax)



**RE: FW: Reading**   
**Christopher Day** to: Mcdonnell, Lee  
Cc: Trakis.Lisa, Margaret.Hutchinson

08/29/2011 02:28 PM

Thanks Lee for fast response - I have asked EPA folks to be in touch with your staff. Yet another reason for continued oversight.

Chris

Fro "Mcdonnell, Lee" <lmcdonnell@pa.gov>  
m:  
To: "'Hutchinson, Margaret (USAPAE)'" <Margaret.Hutchinson@usdoj.gov>, Christopher Day/R3/USEPA/US@EPA, "Corriveau, Edward" <ecorriveau@pa.gov>, "Hepford, Gary" <ghepford@pa.gov>, "Arbaugh, Shawn" <sarbaugh@pa.gov>  
Dat 08/29/2011 02:17 PM  
e:  
Subj RE: FW: Reading  
ect:

Peg,

Will will get a full report of this tonight and tomorrow. This is going to be similar to the event from 3 years ago. They will have to bypass all flow from the 6<sup>th</sup> and canal pump station while the repair is being made. They have not started to dig yet and therefore are still sending flow through the force main.

Lee

Lee A. McDonnell, P.E. | Water Quality Program Manager Department of Environmental Protection Southcentral Regional Office  
909 Elmerton Avenue | Harrisburg, PA 17110-8200  
717-705-4795 (phone) | 717-705-4760 (fax) [www.depweb.state.pa.us](http://www.depweb.state.pa.us)

**From:** Hutchinson, Margaret (USAPAE) [<mailto:Margaret.Hutchinson@usdoj.gov>]  
**Sent:** Monday, August 29, 2011 2:12 PM  
**To:** Mcdonnell, Lee; Christopher Day (day.christopher@epa.gov); Corriveau, Edward; Hepford, Gary; Arbaugh, Shawn  
**Subject:** RE: FW: Reading

Hello all

John Miravich just called and left a message that the 42" force main was leaking . I do not know the extent of the leak but wondered if any of you are free to go visit the site to get an appreciation of the extent of the problem. peg





**Re: Reading FOIA**   
**Christopher Day** to: Lisa Trakis  
Cc: Margaret.Hutchinson

08/25/2011 11:45 AM

History: This message has been replied to.

The CD and quarterly reports are public documents and can be released. I need to look over any responsive correspondence that we may have regarding the tunnel projects - that may be submitted as part of the "settlement negotiations". FOIA does not require us to answer questions such as who is the City's current consultant only to release responsive documents - we could point out that the quarterly reports have lots of that information about consultants as a positive response as to that question..

Lisa Trakis

Hello Chris and Peg, I have a FOIA request for t...

08/25/2011 10:58:30 AM

From: Lisa Trakis/R3/USEPA/US  
To: Christopher Day/R3/USEPA/US@EPA, Margaret.Hutchinson@usdoj.gov  
Date: 08/25/2011 10:58 AM  
Subject: Reading FOIA

Hello Chris and Peg,

I have a FOIA request for the City of Reading.

The requestor would like:

The consent decree

Most recent quarterly reports (~ last 2 years)

Recent correspondence related to the 'tunnel project'

The name of the City's current consultant

Can I release this information? or should I prepare a partial denial response?

The requestor is with a consulting firm that did work for Black and Veatch as part of the tunnel project proposal and apparently has not been paid.

Thanks,

Lisa Trakis

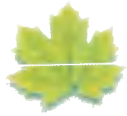
US EPA Region III (3WP42)

1650 Arch St.

Philadelphia, PA 19103

215-814-5433 (phone)

215-814-2318 (fax)



**Fw: Reading - Table of Proposed CD modifications/dates**  
**Christopher Day** to: lmcDonnell  
Cc: Margaret.Hutchinson, Trakis.Lisa

07/18/2011 03:03 PM

Lee - got your email this am regarding OK for PADEP on the Digester schedule and am checking with client and will get back to you shortly.

I am also trying to understand what Gary forwarded last week from Ed regarding the sanitary sewer system rehab issues. Can you take a look at my questions also? As I stated in my email to Gary, we are looking at comprehensive plan for both mapping, prioritization and rehab for both the sanitary and storm sewer systems. My straw proposal was 2019 to finish (8 years) with generous times to do what they committed to do almost 8 years ago. Gary and Ed are probably already working on this but to keep things moving...

Chris

----- Forwarded by Christopher Day/R3/USEPA/US on 07/18/2011 02:56 PM -----

From: Christopher Day/R3/USEPA/US  
To: "Hepford, Gary" <ghepford@state.pa.us>  
Cc: "'Hutchinson, Margaret (USAPAE)'" <Margaret.Hutchinson@usdoj.gov>, Trakis.Lisa@epamail.epa.gov  
Date: 07/13/2011 12:38 PM  
Subject: Re: FW: Reading - Table of Proposed CD modifications/dates

Gary - a few questions and comments for you (and Ed) about Ed's comments. Please also share with Lee and Shaun.

1. These seem to apply only to the sanitary sewer system - does the Department have no comments on the proposed stormwater milestone dates?

2. How do Ed's detailed comments relate to the milestone dates on my chart?

I can tie the SSES plan but am unclear about whether the GIS mapping goes on. I am open to identifying a different date than 2013 for submission of a rehab plan but 2015 seems too far out. Also we are looking for a comprehensive rehab plan (subject to modifications/adjustments based on new info/data that can be built into plan as it goes along) and a date for completion of the rehab work.

Finally did Lee or Shaun give you any comments/thoughts on the phosphorus treatment numbers based on a review of other facility information?

Chris



**Re: Fw: WWTP Conference Call**   
**Christopher Day** to: Hutchinson, Margaret (USAPAE)  
Cc: Trakis.Lisa

10/13/2011 09:52 PM

Thanks Peg

From: "Hutchinson, Margaret (USAPAE)" <Margaret.Hutchinson@usdoj.gov>  
To: Christopher Day/R3/USEPA/US@EPA  
Date: 10/13/2011 07:18 PM  
Subject: Fw: WWTP Conference Call

**From:** Karen J. Barsoum [<mailto:karen.barsoum@readingpa.org>]  
**Sent:** Wednesday, October 12, 2011 10:44 AM  
**To:** Hutchinson, Margaret (USAPAE); 'Lisa Trakis' <Trakis.Lisa@epamail.epa.gov>; 'Mcdonnell, Lee' <lmcdonnell@state.pa.us>; 'Arbaugh, Shawn' <sarbaugh@pa.gov>; 'Corriveau, Edward' <ecorriveau@pa.gov>; Ralph E. Johnson <ralph.johnson@readingpa.org>; Carl E. Geffken <carl.geffken@readingpa.org>  
**Subject:** WWTP Conference Call

When: Friday, October 14, 2011 11:00 AM-12:00 PM (GMT-05:00) Eastern Time (US & Canada).

Where: Conference Call

Note: The GMT offset above does not reflect daylight saving time adjustments.  
\*\*\*\*\*

**From:** Ralph E. Johnson  
**Sent:** Wednesday, October 12, 2011 10:15 AM  
**To:** Karen J. Barsoum  
**Cc:** Margaret Hutchinson; Lisa Trakis; 'Mcdonnell, Lee'; 'Arbaugh, Shawn'; 'Corriveau, Edward'  
**Subject:** Conference Call

Karen,

Please arrange a WWTP conference call for this coming Friday, October 14<sup>th</sup>, at 11 AM, and invite the above people to the call, thanks.

Ralph E. Johnson  
City of Reading  
[ralph.johnson@readingpa.org](mailto:ralph.johnson@readingpa.org)

1. Please join my meeting.

<https://www3.gotomeeting.com/join/175882078>

2. Join the conference call:

Dial +1 (215) 383-1013

Access Code: 175-882-078

Audio PIN: Shown after joining the meeting

Meeting Password: 101411MD

Meeting ID: 175-882-078

GoToMeeting®

Online Meetings Made Easy™



**Re: Fw: City of Reading My October 6, 2011 letter**   
**Christopher Day** to: Hutchinson, Margaret (USAPAE)  
Cc: Trakis.Lisa

10/13/2011 09:51 PM

Thanks Peg - I will plan to be on . I have not heard from Lisa yet but am copying her but I have reviewed - Lisa?

From: "Hutchinson, Margaret (USAPAE)" <Margaret.Hutchinson@usdoj.gov>  
To: Christopher Day/R3/USEPA/US@EPA  
Date: 10/13/2011 07:02 PM  
Subject: Re: Fw: City of Reading My October 6, 2011 letter

Yes- a number was circulated by Reading. I will forward in the morning. Did your folks review? Peg

**From:** Day.Christopher@epamail.epa.gov [<mailto:Day.Christopher@epamail.epa.gov>]  
**Sent:** Thursday, October 13, 2011 05:39 PM  
**To:** Hutchinson, Margaret (USAPAE)  
**Subject:** Re: Fw: City of Reading My October 6, 2011 letter

Is there a call tomorrow at 11? And a call in number?

I can listen in from home - let me know if you want to chat before hand.

Chris

From: "Hutchinson, Margaret (USAPAE)" <Margaret.Hutchinson@usdoj.gov>  
To: Christopher Day/R3/USEPA/US@EPA  
Date: 10/13/2011 05:15 PM  
Subject: Fw: City of Reading My October 6, 2011 letter

**From:** Miravich, John J. [<mailto:JMiravich@foxrothschild.com>]  
**Sent:** Thursday, October 13, 2011 05:01 PM  
**To:** Hutchinson, Margaret (USAPAE)  
**Subject:** City of Reading My October 6, 2011 letter

Peg:

I received your voicemail that referenced a word or words being missing from my October 6, 2011 Letter and went back and looked at the Letter.

If you are referring to the third paragraph, you are correct. The audit was over the last ten (10) **years**. In editing a draft of the Letter, I believe I may have been removing the number in parentheses "(10)" as being duplicative of the written number and the typist removed "year" in error.

While I noticed one or two grammatical issues as well, none were of any importance to change the substance of the Letter.

Please let me know if you have any other questions. Thank you.

John

**John J. Miravich, Esquire**

Attorney at Law

**Fox Rothschild LLP**

Suite 100

38 N. 6th Street

Reading, PA 19603

Tel: 610-458-3128

Fax: 610-458-7337

Cell: 610-507-4028

Home: 610-779-4543

E-Mail: [jmiravich@foxrothschild.com](mailto:jmiravich@foxrothschild.com)

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**Re: Fw: Reading**   
**Christopher Day** to: Lisa Trakis  
Cc: Margaret.Hutchinson

10/05/2011 03:19 PM

History: This message has been replied to.

Why don't we do a quick chat at 4. Peg - if you want to join let me know and I will call.

Lisa Trakis

I can also do 2 or 4. Lisa Trakis US EPA Region...

10/05/2011 11:49:57 AM

From: Lisa Trakis/R3/USEPA/US  
To: Christopher Day/R3/USEPA/US@EPA  
Cc: Margaret.Hutchinson@usdoj.gov, Trakis.Lisa@epamail.epa.gov  
Date: 10/05/2011 11:49 AM  
Subject: Re: Fw: Reading

I can also do 2 or 4.

Lisa Trakis  
US EPA Region III (3WP42)  
1650 Arch St.  
Philadelphia, PA 19103

215-814-5433 (phone)  
215-814-2318 (fax)

Christopher Day

Do we want to talk today about Reading? I am fr...

10/05/2011 09:48:45 AM





**Re: Updated Reading Financial Analysis**   
**Christopher Day** to: Vince Gallo  
Cc: Trakis.Lisa

03/06/2012 06:33 PM

Thanks again Vince - I shared with Peg Hutchinson at DOJ/USAO.

From: Vince Gallo/R3/USEPA/US  
To: Trakis.Lisa@epamail.epa.gov  
Cc: Christopher Day/R3/USEPA/US@EPA  
Date: 03/06/2012 03:11 PM  
Subject: Updated Reading Financial Analysis

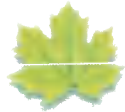
Attached:

[attachment "City of Reading Sewer Fund 2010 Financial Analysis.xls" deleted by Christopher Day/R3/USEPA/US]

"Our lives are better left to chance. I could have missed the pain, but I'd have had to miss the Dance." (Garth Brooks)

Vincent G. Gallo, CGFM  
SRF Financial Analyst  
U.S. Environmental Protection Agency, Region III  
Office of Infrastructure and Assistance  
1650 Arch Street (3WP50)  
Philadelphia, PA 19103

Phone: (215) 814-5773  
FAX: (215) 814-2782  
E Mail: Gallo.Vince@epa.gov



**Fw: Conference Call**  
**Christopher Day** to: Trakis.Lisa  
Cc: Margaret.Hutchinson

02/28/2012 06:24 PM

Lisa - please reply to both of us of whether a call in number or whether we will call Peg.  
thanks!

Chris

----- Forwarded by Christopher Day/R3/USEPA/US on 02/28/2012 06:23 PM -----

From: "Hutchinson, Margaret (USAPAE)" <Margaret.Hutchinson@usdoj.gov>  
To: Christopher Day/R3/USEPA/US@EPA  
Date: 02/28/2012 06:17 PM  
Subject: Re: Conference Call

Is there a call in number? Peg

**From:** Christopher Day [<mailto:Day.Christopher@epamail.epa.gov>]  
**Sent:** Tuesday, February 28, 2012 06:12 PM  
**To:** Trakis.Lisa@epamail.epa.gov <Trakis.Lisa@epamail.epa.gov>  
**Cc:** Hutchinson, Margaret (USAPAE)  
**Subject:** RE: Conference Call

that works for me Lisa

From: "Arbaugh, Shawn" <sarbaugh@pa.gov>  
To: Lisa Trakis/R3/USEPA/US  
Cc: Christopher Day/R3/USEPA/US@EPA  
Date: 02/28/2012 02:41 PM  
Subject: RE: Conference Call

Hey Lisa and Chris,

Thursday at 1330 would work for us.

Thanks,  
Shawn

**Shawn Arbaugh** | Environmental Group Manager  
Department of Environmental Protection  
Southcentral Regional Office  
909 Elmerton Avenue | Harrisburg, PA 17110  
Phone: 717.705.4772 | Fax: 717.705.4760  
24-Hour Emergency Response: 877.333.1904  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

**From:** Lisa Trakis [<mailto:Trakis.Lisa@epamail.epa.gov>]  
**Sent:** Monday, February 27, 2012 5:24 PM  
**To:** Arbaugh, Shawn  
**Cc:** Christopher Day  
**Subject:** RE: Conference Call

Thanks for sending the Act 537 Shawn.

Is it possible to schedule a PADEP/EPA/DOJ call on either Wednesday 2/29, between 1 and 3, or Thursday 3/1, between 1 and 2:30?  
I was able to catch up with Chris and Peg this afternoon. We had a few questions on Reading's 4th quarter progress report, and we would also like to discuss what type of authority we have, if any, at both the state and federal levels to oversee the satellite municipalities.

I've copied Chris on this message. If you could 'reply all' to this message that would be great because I will be out tomorrow.

Thank you,  
Lisa Trakis  
US EPA Region III (3WP42)  
1650 Arch St.  
Philadelphia, PA 19103

215-814-5433 (phone)  
215-814-2301 (fax)

From: "Arbaugh, Shawn" <[sarbaugh@pa.gov](mailto:sarbaugh@pa.gov)>  
To: Lisa Trakis/R3/USEPA/US  
Date: 02/27/2012 10:47 AM  
Subject: RE: Conference Call

Can we call you at 1100? (Lee, Ed, and myself).

**Shawn Arbaugh** | Environmental Group Manager  
Department of Environmental Protection  
Southcentral Regional Office  
909 Elmerton Avenue | Harrisburg, PA 17110  
Phone: 717.705.4772 | Fax: 717.705.4760  
24-Hour Emergency Response: 877.333.1904  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

**From:** Lisa Trakis [<mailto:Trakis.Lisa@epamail.epa.gov>]  
**Sent:** Monday, February 27, 2012 10:47 AM  
**To:** Arbaugh, Shawn  
**Subject:** Re: Conference Call

Hi Shawn,  
I haven't been able to confirm with Chris/Peg for 11 am today. I can still give you guys a call though if you think it is worth and then report back to Peg and Chris? Should I call your office at 11? or would you like to try to schedule something for later this week when I can confirm with Chris/Peg?

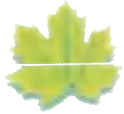
Lisa Trakis  
US EPA Region III (3WP00)  
1650 Arch St.  
Philadelphia, PA 19103

215-814-5433 (phone)  
215-814-2301 (fax)

From: "Arbaugh, Shawn" <[sarbaugh@pa.gov](mailto:sarbaugh@pa.gov)>  
To: Lisa Trakis/R3/USEPA/US  
Date: 02/27/2012 09:04 AM  
Subject: Conference Call

Hey Lisa,  
We are good for 1100.  
Thanks,  
Shawn

**Shawn Arbaugh** | Environmental Group Manager  
Department of Environmental Protection  
Southcentral Regional Office  
909 Elmerton Avenue | Harrisburg, PA 17110  
Phone: 717.705.4772 | Fax: 717.705.4760  
24-Hour Emergency Response: 877.333.1904  
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**RE: Conference Call**   
**Christopher Day** to: Trakis.Lisa  
Cc: Margaret.Hutchinson

02/28/2012 06:12 PM

that works for me Lisa

From: "Arbaugh, Shawn" <sarbaugh@pa.gov>  
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**Subject:** RE: Conference Call

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I've copied Chris on this message. If you could 'reply all' to this message that would be great because I will be out tomorrow.

Thank you,  
Lisa Trakis  
US EPA Region III (3WP42)  
1650 Arch St.  
Philadelphia, PA 19103

215-814-5433 (phone)  
215-814-2301 (fax)

From: "Arbaugh, Shawn" <[sarbaugh@pa.gov](mailto:sarbaugh@pa.gov)>  
To: Lisa Trakis/R3/USEPA/US  
Date: 02/27/2012 10:47 AM  
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**Shawn Arbaugh** | Environmental Group Manager  
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**From:** Lisa Trakis [<mailto:Trakis.Lisa@epamail.epa.gov>]  
**Sent:** Monday, February 27, 2012 10:47 AM  
**To:** Arbaugh, Shawn  
**Subject:** Re: Conference Call

Hi Shawn,  
I haven't been able to confirm with Chris/Peg for 11 am today. I can still give you guys a call though if you think it is worth and then report back to Peg and Chris? Should I call your office at 11? or would you like to try to schedule something for later this week when I can confirm with Chris/Peg?

Lisa Trakis  
US EPA Region III (3WP00)  
1650 Arch St.  
Philadelphia, PA 19103

215-814-5433 (phone)

215-814-2301 (fax)

From: "Arbaugh, Shawn" <[sarbaugh@pa.gov](mailto:sarbaugh@pa.gov)>  
To: Lisa Trakis/R3/USEPA/US  
Date: 02/27/2012 09:04 AM  
Subject: Conference Call

Hey Lisa,  
We are good for 1100.  
Thanks,  
Shawn

**Shawn Arbaugh** | Environmental Group Manager  
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909 Elmerton Avenue | Harrisburg, PA 17110  
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[www.depweb.state.pa.us](http://www.depweb.state.pa.us)





**RE: Reading call**   
**Christopher Day** to: Hutchinson, Margaret (USAPAE)  
Cc: Lisa Trakis

02/27/2012 02:11 PM

Great - Lisa - why don't you call me first and then conference Peg in? Her number is 215 861-8282

Thanks

Chris

"Hutchinson, Margaret (USAPAE)"

4:30 works for me as well. peg -...

02/27/2012 01:02:16 PM

From: "Hutchinson, Margaret (USAPAE)" <Margaret.Hutchinson@usdoj.gov>  
To: Christopher Day/R3/USEPA/US@EPA, Lisa Trakis/R3/USEPA/US  
Date: 02/27/2012 01:02 PM  
Subject: RE: Reading call

---

4:30 works for me as well. peg

-----Original Message-----

From: Christopher Day [mailto:Day.Christopher@epamail.epa.gov]  
Sent: Monday, February 27, 2012 12:40 PM  
To: Lisa Trakis  
Cc: Hutchinson, Margaret (USAPAE)  
Subject: Re: Reading call

Sure - why don't you call me at 215 906-6487? If Peg is available and can join us that would be great but plan on calling me in any case. I can follow up with Peg when she has the time.

From: Lisa Trakis/R3/USEPA/US  
To: Christopher Day/R3/USEPA/US@EPA  
Cc: Margaret.Hutchinson@usdoj.gov  
Date: 02/27/2012 12:33 PM  
Subject: Re: Reading call

I did speak with PADEP and have more details. Can I give you both a call @ 4:30? I have meetings all afternoon until then.  
Chris, if 4:30 works, which number is best?

Thanks

Lisa Trakis  
US EPA Region III (3WP42)  
1650 Arch St.  
Philadelphia, PA 19103

215-814-5433 (phone)  
215-814-2301 (fax)

From: Christopher Day/R3/USEPA/US  
To: Lisa Trakis/R3/USEPA/US

Cc: Margaret.Hutchinson@usdoj.gov  
Date: 02/27/2012 12:25 PM  
Subject: Re: Reading call

Sorry - I was on conference calls all am (working from home today). Did you talk to them and get more details? This is, of course, an old story. Has PADEP met with them? I am thinking we would be willing if that doesn't work - I suspect there are 2 or 3 munis that are driving this. Other option is to send them a stern letter (maybe from EPA?). Lisa - have you ever done an inspection in any of those muni collection systems? Or sent a 308 information request letter? What would our authority be?

Chris

From: Lisa Trakis/R3/USEPA/US  
To: Christopher Day/R3/USEPA/US@EPA,  
Margaret.Hutchinson@usdoj.gov  
Date: 02/27/2012 10:11 AM  
Subject: Reading call

Hello Peg and Chris,

Any chance you are free to have a quick (~15 -20 min) call with PADEP at 11 am today? Reading has requested that we bring in the satellite munis to encourage them to sign on to the renegotiated IMAs. Apparently the city is having trouble getting everyone on board to sign. I asked Shawn what the remaining obstacles are and his take was that it really comes down to historical mistrust. PADEP (Lee and Shawn) would like to update us and discuss the possibility of a meeting with all of the munis.

Lisa Trakis  
US EPA Region III (3WP42)  
1650 Arch St.  
Philadelphia, PA 19103

215-814-5433 (phone)  
215-814-2301 (fax)



**Re: Reading call**   
**Christopher Day** to: Lisa Trakis  
Cc: Margaret.Hutchinson

02/27/2012 12:39 PM

History:

This message has been replied to.

Sure - why don't you call me at 215 906-6487? If Peg is available and can join us that would be great but plan on calling me in any case. I can follow up with Peg when she has the time.

Lisa Trakis

**I did speak with PADEP and have more details. ...**

02/27/2012 12:33:42 PM

From: Lisa Trakis/R3/USEPA/US  
To: Christopher Day/R3/USEPA/US@EPA  
Cc: Margaret.Hutchinson@usdoj.gov  
Date: 02/27/2012 12:33 PM  
Subject: Re: Reading call

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Thanks  
Lisa Trakis  
US EPA Region III (3WP42)  
1650 Arch St.  
Philadelphia, PA 19103

215-814-5433 (phone)  
215-814-2301 (fax)

Christopher Day  
Lisa Trakis

**Sorry - I was on conference calls all am (working...  
Hello Peg and Chris, Any chance you are free to...**

02/27/2012 12:25:50 PM  
02/27/2012 10:11:57 AM



**Re: Reading call**   
**Christopher Day** to: Lisa Trakis  
Cc: Margaret.Hutchinson

02/27/2012 12:25 PM

History:

This message has been replied to.

Sorry - I was on conference calls all am (working from home today). Did you talk to them and get more details? This is, of course, an old story. Has PADEP met with them? I am thinking we would be willing if that doesn't work - I suspect there are 2 or 3 munis that are driving this. Other option is to send them a stern letter (maybe from EPA?). Lisa - have you ever done an inspection in any of those muni collection systems? Or sent a 308 information request letter? What would our authority be?

Chris

Lisa Trakis

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02/27/2012 10:11:57 AM

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To: Christopher Day/R3/USEPA/US@EPA, Margaret.Hutchinson@usdoj.gov  
Date: 02/27/2012 10:11 AM  
Subject: Reading call

Hello Peg and Chris,

Any chance you are free to have a quick (~15 -20 min) call with PADEP at 11 am today? Reading has requested that we bring in the satellite munis to encourage them to sign on to the renegotiated IMAs. Apparently the city is having trouble getting everyone on board to sign. I asked Shawn what the remaining obstacles are and his take was that it really comes down to historical mistrust. PADEP (Lee and Shawn) would like to update us and discuss the possibility of a meeting with all of the munis.

Lisa Trakis  
US EPA Region III (3WP42)  
1650 Arch St.  
Philadelphia, PA 19103

215-814-5433 (phone)  
215-814-2301 (fax)



**Re: FW: Reading Call on Friday**   
**Christopher Day** to: Mcdonnell, Lee  
Cc: Margaret.Hutchinson, Trakis.Lisa

03/07/2012 03:22 PM

Thanks Lee - we look forward to it. Is there a call in number already arranged? Or should we see about getting one?

Chris

From: "Mcdonnell, Lee" <lmcdonnell@pa.gov>  
To: "Hutchinson, Margaret (USAPAE)" <Margaret.Hutchinson@usdoj.gov>, Christopher Day/R3/USEPA/US@EPA, Lisa Trakis/R3/USEPA/US  
Cc: "Hepford, Gary" <ghepford@pa.gov>, "Corriveau, Edward" <ecorriveau@pa.gov>, "Arbaugh, Shawn" <sarbaugh@pa.gov>  
Date: 03/07/2012 03:08 PM  
Subject: FW: Reading Call on Friday

Peg, Chris, Lisa

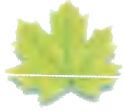
Here is our list of discussion topics for our call on Friday. We also requested that the new Mayor be on the call on Friday. With Carl leaving I wanted to make sure this was a priority for him.

Lee

- Did the 537 When will the 18A, 18B and 19 pieces be added and complete plan be finalized?
- Discuss in detail the actual negotiations between the largest 4 municipal contributors. Meetings, documents sent and when, responses and next steps.
- Who is taking over the responsibilities that were Carl's
- Discussion of the Digester upgrade project
- special study get advertised? Details?
- Emergency Force Main update
- What is the current funding situation? When does Reading need to go to the bond market?

**Lee A. McDonnell, P.E.** | Water Quality Program Manager  
Southcentral Regional Office  
Department of Environmental Protection  
909 Elmerton Avenue | Harrisburg, PA 17110-8200  
717-705-4795 (phone) | 717-705-4760 (fax)  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)





**RE: FW: Reading Call on Friday** 

**Christopher Day** to: Mcdonnell, Lee

03/08/2012 03:31 PM

Cc: "Hepford, Gary", Lisa Trakis, "Margaret.Hutchinson@usdoj.gov",  
"Arbaugh, Shawn"

Lee - you may have not been copied on this - I got an invite from Reading with the following conf line info.

Sent: Friday, March 02, 2012 3:33 PM

To: karen.barsoum@readingpa.org<mailto:karen.barsoum@readingpa.org>; Ralph Johnson; Carl Geffken; Charles Jones; 'Tony Vesay'; 'Mike Vind'; 'Miravich, John J.'; Arbaugh, Shawn; 'vaughn.spencer@readingpa.org'

Subject: Conference Call

When: Friday, March 09, 2012 11:00 AM-12:00 PM (GMT-05:00) Eastern Time (US & Canada).  
Where: City of Reading Conference Call

When: Friday, March 09, 2012 11:00 AM-12:00 PM (GMT-05:00) Eastern Time (US & Canada).  
Where: City of Reading Conference Call

Dial +1 (805) 309-0010

Access Code: 214-287-342

Audio PIN: Shown after joining the meeting

Meeting Password: 030912MD

Meeting ID: 214-287-342

"Mcdonnell, Lee"

Chris, Don't know if we'll need it, but can you set...

03/08/2012 03:09:06 PM

From: "Mcdonnell, Lee" <lmcdonnell@pa.gov>  
To: Christopher Day/R3/USEPA/US@EPA  
Cc: "Margaret.Hutchinson@usdoj.gov" <Margaret.Hutchinson@usdoj.gov>, Lisa Trakis/R3/USEPA/US, "Arbaugh, Shawn" <sarbaugh@pa.gov>, "Hepford, Gary" <ghepford@pa.gov>  
Date: 03/08/2012 03:09 PM  
Subject: RE: FW: Reading Call on Friday

---

Chris,

Don't know if we'll need it, but can you set up a conf. line for tomorrow?

Thanks Lee

**Lee A. McDonnell, P.E.** | Water Quality Program Manager  
Southcentral Regional Office  
Department of Environmental Protection  
909 Elmerton Avenue | Harrisburg, PA 17110-8200  
717-705-4795 (phone) | 717-705-4760 (fax)  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

**From:** Christopher Day [mailto:Day.Christopher@epamail.epa.gov]  
**Sent:** Wednesday, March 07, 2012 3:22 PM

**To:** Mcdonnell, Lee  
**Cc:** Margaret.Hutchinson@usdoj.gov; Trakis.Lisa@epamail.epa.gov  
**Subject:** Re: FW: Reading Call on Friday

Thanks Lee - we look forward to it. Is there a call in number already arranged? Or should we see about getting one?

Chris

From: "Mcdonnell, Lee" <[lmcdonnell@pa.gov](mailto:lmcdonnell@pa.gov)>  
To: "Hutchinson, Margaret (USAPAE)" <[Margaret.Hutchinson@usdoj.gov](mailto:Margaret.Hutchinson@usdoj.gov)>, Christopher Day/R3/USEPA/US@EPA, Lisa Trakis/R3/USEPA/US  
Cc: "Hepford, Gary" <[ghepford@pa.gov](mailto:ghepford@pa.gov)>, "Corriveau, Edward" <[ecorriveau@pa.gov](mailto:ecorriveau@pa.gov)>, "Arbaugh, Shawn" <[sarbaugh@pa.gov](mailto:sarbaugh@pa.gov)>

Date: 03/07/2012 03:08 PM  
Subject: FW: Reading Call on Friday

Peg, Chris, Lisa

Here is our list of discussion topics for our call on Friday. We also requested that the new Mayor be on the call on Friday. With Carl leaving I wanted to make sure this was a priority for him.

Lee

- Did the 537 When will the 18A, 18B and 19 pieces be added and complete plan be finalized?
- Discuss in detail the actual negotiations between the largest 4 municipal contributors. Meetings, documents sent and when, responses and next steps.
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**Lee A. McDonnell, P.E.** | Water Quality Program Manager  
Southcentral Regional Office  
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909 Elmerton Avenue | Harrisburg, PA 17110-8200  
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[www.depweb.state.pa.us](http://www.depweb.state.pa.us)





**Fw: Reading sewer plans set to change**  
**Christopher Day** to: Margaret.Hutchinson  
Cc: Trakis.Lisa

03/13/2012 12:12 PM

reports from Reading

----- Forwarded by Christopher Day/R3/USEPA/US on 03/13/2012 12:11 PM -----

From: Charles Kanetsky/R3/USEPA/US  
To: Christopher Day/R3/USEPA/US@EPA  
Date: 03/13/2012 10:42 AM  
Subject: Fw: Reading sewer plans set to change

FYI.

Chuck Kanetsky  
Source Water Protection Program Manager  
U. S. EPA Region III  
Drinking Water Branch (3WP21)  
1650 Arch Street  
Phila., PA 19103-2029  
Phone: 215-814-2735  
Fax: 215-814-2318

----- Forwarded by Charles Kanetsky/R3/USEPA/US on 03/13/2012 10:42 AM -----

From: "Hebelka, Joseph" <jhebelka@pa.gov>  
To: Charles Kanetsky/R3/USEPA/US@EPA, "Kelly.Anderson@Phila.Gov" <Kelly.Anderson@Phila.Gov>, "Julia.Rockwell@phila.gov" <Julia.Rockwell@phila.gov>  
Cc: Tom Davidock <TDavidock@delawareestuary.org>, "Corriveau, Edward" <ecorriveau@pa.gov>, "Port, Catherine" <cport@pa.gov>, "Smith, Kevin" <kevins@pa.gov>  
Date: 03/13/2012 10:11 AM  
Subject: Reading sewer plans set to change

FYI...2 articles about Reading WWTP from 3/12 Reading Eagle.

First article online at: <http://readingeagle.com/article.aspx?id=370544>

## Reading sewer plans set to change

Originally Published: 3/12/2012

*Reading Eagle*

If Carl E. Geffken's desk seems as clogged as a stopped-up sewer pipe these days, it's

because - with less than a week left in the city managing director's office - the biggest project he'll pass on to his successor is the planning for the new sewage treatment plant on Fritz's Island.

There's a lot to be done by May 1, when the city hopes to have a new and lower cost projection - as well as agreements from the 11 municipalities who also use it outlining how they'll help pay for it.

Geffken, who will take over as Berks County's chief operating officer, will leave the city Thursday after two years on the job.

The new sewer plant and the Act 47 financial recovery plan have been his biggest projects. But Act 47 has its own game plan, while Geffken drastically reshaped the sewer plant evolution.

Here's where it stands:

### **The plan**

It's changing.

Two years ago, the city switched from a plan to build a mostly new plant and related work that might cost as much as \$450 million, to one that calls for rebuilding most of the existing plant for an expected \$227 million total project cost.

The cost of the rebuilt plant is projected at \$130 million, but that's based on an old estimate that it would have a capacity of 28.5 million gallons a day.

Last year, a consultant studied how much capacity the plant really needs, including the growth its service areas expect over coming decades.

Wyomissing-based Spotts, Stevens & McCoy reported the plant needs a capacity of only 21 million gallons a day - about 25 percent less.

Geffken said that's expected to cut the plant costs, although not by 25 percent.

However, before the city gets a new cost projection, it has to update several required plans - for such items as plant processes and capital improvements - based on the higher capacity.

Those updates are expected by May 1, with new cost projections to follow.

Geffken said the city is working with the state Department of Environmental Protection on those changes.

"PADEP has been excellent in working with us," he said.

DEP spokeswoman Lisa Kasianowitz said the agency agrees with the city's new search, and had encouraged it to confirm the projected flows to make sure an upgraded plant is properly sized.

"DEP believes that the city has made significant progress in the last two years, especially when compared to the previous five-year time span before that," she said.

In addition to rebuilding the plant, the city is budgeting \$16 million for a new force main, \$15 million to upgrade the major pumping station at Sixth and Canal streets, and \$27 million in so-called soft costs such as legal fees and design work.

### **The decree**

Because of the plant's history of polluting the Schuylkill River, the U.S. Department of Justice, the federal Environmental Protection Agency and the state DEP in 2004 used the threat of tens of millions of dollars in fines if the city didn't agree to a consent decree to upgrade the plant.

The deadline to open the plant was 2012.

In 2007, the city got Justice Department approval for its new plant plan, which is officially still in effect.

However, the city has briefed U.S. Attorney Margaret Hutchinson several times on the cheaper rebuilding plan, and the DEP also is providing updates to the Justice Department, Geffken said.

Geffken said the city still has no approval for a rebuilt plant, but does have approval to keep researching the idea, "as long as we stay on point and are productive and provide updates to PADEP."

Geffken said if all the approvals are granted, he expects the rebuilt plant to open in mid-2017 and the consent decree to be lifted by mid-2018.

Second article online at: <http://readingeagle.com/article.aspx?id=370545>

## **Sewer plant upgrades depend on agreements with other municipalities**

Originally Published: 3/12/2012

*Reading Eagle*

Reading is trying to reach new agreements with the 11 other municipalities and authorities that use the city sewage treatment plant on Fritz's Island and will have to help pay for major upgrades required by a federal consent decree.

Although the city has met with all of them, so far it hasn't gotten an agreement from any, said city Managing Director Carl E. Geffken.

But it needs agreements by the end of April, because by May 1 the city expects new plans and a new cost projection. Then it must get started on the design and the financing, but needs the municipal approvals to help pay for it, Geffken said.

The city is working on a rate structure for the municipalities that Geffken said is fair and is based on seven components. Among those are operations and maintenance costs, how much future capacity a municipality wants reserved for its own customers and a capital improvements fund.

### **The cap**

Reading once pulled up to \$8 million a year from the sewer fund to balance its general fund. The decree now caps that at \$3 million.

The outside municipalities want the cap to continue, in part because under their old agreements the city was supposed to put part of their payments into a reserve fund for plant maintenance.

Not only was that maintenance rarely done, but, Geffken acknowledged to City Council in February, the city lost accounting track of \$35 million that those municipalities had paid in.

A forensic auditor came up with numbers, and the municipalities want that credited to their accounts when it comes time to pay for the new plant.

Geffken told council the city will keep the \$3 million cap in the inter-municipal agreements, although it would rise by the consumer price index each year after the consent decree is lifted.

"I can't understand why we're capping the return on equity for the sewer system," said Councilman Jeffrey S. Waltman Sr., who said he'd like the city to get at least a \$4.5 million return.

"We were told by the municipalities that was a sticking point in the negotiations," Geffken said.

### **City rates**

The city will need more sewer revenue than it had several years ago to pay off the construction bonds, but it's already gotten several rate increases with no work at all.

That's because the city bases its sewer bill at 161 percent of the consumption part of customers' water bills, and the Reading Area Water Authority has hiked its rate anywhere from 3.5 percent to 13.5 percent each year for the last several years.

Anytime the water rate rises, the revenue going to the sewer fund also rises.

"But that's not based on reality," Geffken said.

Eventually, he said, the sewer bill will be based on actual sewer costs, not the water bill.



**Re: FW: U.S. v City Of Reading**   
**Christopher Day** to: Hutchinson, Margaret (USAPAE)  
Cc: Lisa Trakis

04/26/2012 01:26 PM

Sound likes we should accept flash drives here at EPA - we have limits on email (and big ones' often get stripped out...)

"Hutchinson, Margaret (USAPAE)"

Hello

Do you have a p...

04/26/2012 08:11:43 AM

From: "Hutchinson, Margaret (USAPAE)" <Margaret.Hutchinson@usdoj.gov>  
To: Christopher Day/R3/USEPA/US@EPA, Lisa Trakis/R3/USEPA/US  
Date: 04/26/2012 08:11 AM  
Subject: FW: U.S. v City Of Reading

---

Hello

Do you have a preference? I think email is easier but I will defer to you . . peg

**From:** Miravich, John J. [mailto:JMiravich@foxrothschild.com]  
**Sent:** Wednesday, April 25, 2012 5:56 PM  
**To:** Hutchinson, Margaret (USAPAE)  
**Subject:** U.S. v City Of Reading  
**Importance:** High

Peg:

We are providing you with updated 18a, 18b and 19 Reports next week.

May we provide you with the documents on a flash drive (by hand delivery) rather than emailing them to you?

John

**John J. Miravich**  
Attorney At Law  
**Fox Rothschild LLP**  
Eagleview Corporate Center  
747 Constitution Drive, Suite 100  
P.O. Box 673  
Exton, PA 19341-0673  
610.458.3128 - direct  
610.458.7337 - fax  
610.507.4028 - cell  
610.779.4543 - home  
[jmiravich@foxrothschild.com](mailto:jmiravich@foxrothschild.com)

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**Fw: City of Reading - Final Act 537 Special Study**  
**Christopher Day** to: Lisa Trakis

08/27/2012 10:35 AM

Lisa - I will be out of the office until next week so if you want to drop down to my office and find this please do so.

----- Forwarded by Christopher Day/R3/USEPA/US on 08/27/2012 09:26 AM -----

From: "Lloyd, James" <jlloyd@hazenandsawyer.com>  
To: Christopher Day/R3/USEPA/US@EPA  
Cc: Ralph Johnson <Ralph.Johnson@readingpa.org>, "Vesay, Tony" <tonyvesay@hillintl.com>, "JMiravich@foxrothschild.com" <JMiravich@foxrothschild.com>, "DHay@foxrothschild.com" <DHay@foxrothschild.com>, "Bottin, Mark" <MBottin@hazenandsawyer.com>  
Date: 08/24/2012 04:31 PM  
Subject: City of Reading - Final Act 537 Special Study

---

Christopher – I left a voice mail message for you earlier today. On behalf of the City of Reading, Hazen and Sawyer wanted to drop off two flash drives containing the completed “Final Act 537 Special Study” to your office. Since we were unable to reach you today, the flash drives will be Fed Ex’ed to your office for delivery on Monday AM (August 27<sup>th</sup>).

Please note that in accordance with Act 537 procedures, this study was advertised for public review and comment in June/July 2012. After the review period expired, PADEP asked that the City incorporate the public comments, make final revisions and issue the “Final Act 537 Special Study” by/on August 24, 2012. Flash drives containing copies of the study were delivered to Margaret Hutchinson of the US Department of Justice on August 23<sup>rd</sup> and Gary Hepford of the PADEP on August 24<sup>th</sup>.

If you have any questions, comments, etc. please do not hesitate to contact our office, City of Reading officials or the Fritz Island WWTP PM/CM team.

Thanks/have a good weekend,

Jim Lloyd, P.E.  
Hazen and Sawyer, P.C.  
801 Market Street, Suite 1001  
Philadelphia, PA 19107  
(215) 592-4404 - direct line  
(215) 592-0600 - main office line  
(215) 592-0690 - fax  
[jlloyd@hazenandsawyer.com](mailto:jlloyd@hazenandsawyer.com)



EX1-#1202623-v1-8\_24\_12\_Letter\_to\_Peg\_Hutchinson - Final 082412.pdf



**Fw: City of Reading Estimated Municipal Rates**  
**Christopher Day** to: Lisa Trakis

07/31/2012 02:36 PM

Is this something we need to consider for our response letter on the alternatives? Should we share with Vince and get his read on this?

Chris

----- Forwarded by Christopher Day/R3/USEPA/US on 07/31/2012 02:35 PM -----

From: "Hay, Derald J." <DHay@foxrothschild.com>  
To: "'Margaret.Hutchinson@usdoj.gov'" <Margaret.Hutchinson@usdoj.gov>  
Cc: "'ghepford@state.pa.us'" <ghepford@state.pa.us>, Christopher Day/R3/USEPA/US@EPA, "Miravich, John J." <JMiravich@foxrothschild.com>, "" (kmooney@barley.com)" <kmooney@barley.com>  
Date: 07/30/2012 04:55 PM  
Subject: City of Reading Estimated Municipal Rates

---

Ms. Hutchinson,

The City of Reading, in conjunction with its financial advisors and Hazen & Sawyer, have prepared a spreadsheet estimating total annual charges per municipality through the year 2021 to help the contributing municipalities plan for the financial impact associated with the capital improvements being undertaken by the City to upgrade its Wastewater Treatment Plant and Sewer System.

An estimate was initially prepared in March and circulated to the municipalities. The City recently circulated a revised spreadsheet that further refined the City's wastewater revenue requirements and rate estimates based the proposed capital improvement program.

If you have any questions regarding the attached tables, we are happy to discuss.

Thanks, Derald

Derald J. Hay  
Attorney at Law  
Fox Rothschild LLP  
747 Constitution Drive, Suite 100  
Exton, PA 19341-0673  
Direct Dial: 610-458-2990  
E-mail: [dhay@foxrothschild.com](mailto:dhay@foxrothschild.com)



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you for all expenses incurred. Thank you.

 July 2012 Rate Projections for Municipalities.pdf

 March 2012 Rate Projections for Municipalities.pdf



**Fw: City of Reading WWTP Financial Update**  
**Christopher Day** to: Lisa Trakis

07/31/2012 02:35 PM

please review

----- Forwarded by Christopher Day/R3/USEPA/US on 07/31/2012 02:34 PM -----

From: "Hay, Derald J." <DHay@foxrothschild.com>  
To: "Margaret.Hutchinson@usdoj.gov" <Margaret.Hutchinson@usdoj.gov>  
Cc: "ghepford@state.pa.us" <ghepford@state.pa.us>, Christopher Day/R3/USEPA/US@EPA,  
"Miravich, John J." <JMiravich@foxrothschild.com>, "kmooney@barley.com"  
<kmooney@barley.com>  
Date: 07/31/2012 02:33 PM  
Subject: RE: City of Reading WWTP Financial Update

---

Ms. Hutchinson,

Please see the attached letter and executive summaries related to Collection System projects proposed by the City of Reading. If you have any questions, please feel free to contact us.

Thanks, Derald

Derald J. Hay  
Attorney at Law  
Fox Rothschild LLP  
747 Constitution Drive, Suite 100  
Exton, PA 19341-0673  
Direct Dial: 610-458-2990  
E-mail: [dhay@foxrothschild.com](mailto:dhay@foxrothschild.com)

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you for all expenses incurred. Thank you.



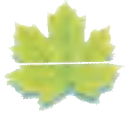
EX1-#1191208-v1-Hazen\_and\_Sawyer\_16\_July\_2012\_Preliminary\_Description\_of\_Proposed\_Sixth\_and\_Canal\_Pump



EX1-#1191206-v1-Hazen\_and\_Sawyer\_16\_July\_2012\_Preliminary\_Description\_of\_Proposed\_19th\_Ward\_Projects.PDF



EX1-#1191216-v1-Cover\_Letter\_to\_P\_\_Hutchinson\_regarding\_Preliminary\_Description\_of\_Proposed\_Paragraph\_28\_P



**Skeleton Approval Draft : City of Reading**  
**Christopher Day** to: Lisa Trakis  
Cc: Margaret.Hutchinson

07/26/2012 02:15 PM

History:

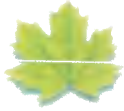
This message has been forwarded.

Sorry Lisa - I thought I would do a more comprehensive job on this. I put together the bare skeleton of an approval letter - need Lisa's input but thought we could discuss approach on call today. (reminder at 2:30).

Chris



USapproval--Ltr-ReadingAlternatives-2012-draft1.docx



**RE: Reading approval letter** 📄

**Christopher Day** to: Hutchinson, Margaret (USAPAE)

Cc: Lisa Trakis

09/11/2012 02:15 PM

History:

This message has been replied to.

Sorry! Yes I am available and will reserve time. Thanks

"Hutchinson, Margaret (USAPAE)"

Hi Chris

Lisa propose...

09/11/2012 12:56:27 PM

From: "Hutchinson, Margaret (USAPAE)" <Margaret.Hutchinson@usdoj.gov>  
To: Christopher Day/R3/USEPA/US@EPA, Lisa Trakis/R3/USEPA/US  
Date: 09/11/2012 12:56 PM  
Subject: RE: Reading approval letter

Hi Chris

Lisa proposed tomorrow at 11 not today. I am available tomorrow at 11 and hope you are as well. Peg

**From:** Christopher Day [mailto:Day.Christopher@epamail.epa.gov]  
**Sent:** Tuesday, September 11, 2012 12:39 PM  
**To:** Lisa Trakis; Hutchinson, Margaret (USAPAE)  
**Subject:** Re: Reading approval letter

Lisa/Peg - did you have the call? If not or if you need follow up I could do a call this PM at 2 or 3:30



**Re: Reading approval letter**   
**Christopher Day** to: Lisa Trakis, Margaret.Hutchinson

09/11/2012 12:39 PM

Lisa/Peg - did you have the call? If not or if you need follow up I could do a call this PM at 2 or 3:30



**Re: Fw: City of Reading**  
**Christopher Day** to: Lisa Trakis  
Cc: "Margaret Hutchinson"

12/03/2012 12:25 PM

History:

This message has been replied to.

I can do 1:30-2 (I have a 2 pm call) - will that work?

I am working from home so can you call me at 215 906 6487?

thanks!

-----Lisa Trakis/R3/USEPA/US wrote: -----  
To: Christopher Day/R3/USEPA/US@EPA  
From: Lisa Trakis/R3/USEPA/US  
Date: 12/03/2012 12:08PM  
Subject: Fw: City of Reading

Hi Chris,  
Are you free at 1? I just realized that you were not cc'd on Pegs response. If so, let me know which number is best to reach you.

Lisa Trakis  
US EPA Region III (3WP42)  
1650 Arch St.  
Philadelphia, PA 19103

215-814-5433 (phone)  
215-814-2301 (fax)

----- Forwarded by Lisa Trakis/R3/USEPA/US on 12/03/2012 12:06 PM  
-----

From: "Hutchinson, Margaret (USAPAE)"  
<Margaret.Hutchinson@usdoj.gov>  
To: Lisa Trakis/R3/USEPA/US  
Date: 11/29/2012 08:13 AM  
Subject: RE: City of Reading

I am available at 1.

**From:** Trakis.Lisa@epamail.epa.gov [  
<mailto:Trakis.Lisa@epamail.epa.gov>]  
**Sent:** Wednesday, November 28, 2012 3:23 PM  
**To:** Hutchinson, Margaret (USAPAE)  
**Cc:** Day.Christopher@epamail.epa.gov  
**Subject:** City of Reading

Chris and Peg,  
Let's schedule a time to discuss Reading.

I am free on Monday 12/3 anytime between 1 and 4. Does this work for you both? 1, 2, 3 pm?





## Reading City Conference Call

**Arbaugh, Shawn** to: Lisa Trakis, Christopher Day,  
Margaret.Hutchinson@usdoj.gov,  
Mcdonnell, Lee, Hepford, Gary, Corriveau,

03/01/2012 02:54 PM

History:

This message has been replied to.

Good Afternoon All,

I spoke with Reading, we are good to go for a conference call Friday, March 9, at 1100. They will provide a call in number for us in the near future.

I also asked about why they couldn't put the public notice out themselves; Reading explained that they just didn't have the time and manpower to deal with it at this time and figured it would make their life easier having the contractor complete this portion.

In addition, they explained that the bond would be going out in pieces, not for the whole project at once.

Thanks,

Shawn

**Shawn Arbaugh** | Environmental Group Manager  
Department of Environmental Protection  
Southcentral Regional Office  
909 Elmerton Avenue | Harrisburg, PA 17110  
Phone: 717.705.4772 | Fax: 717.705.4760  
24-Hour Emergency Response: 877.333.1904  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)



**FW: Signed Emergency Permit**

**Arbaugh, Shawn** to: Christopher Day, Lisa Trakis,  
Margaret.Hutchinson@usdoj.gov

10/24/2011 11:47 AM

FYI,

The emergency permit for Reading to start putting in the temporary bypass line in for the 42 inch force main. This bypass should be in place by January 9, 2012.

Thanks,  
Shawn

Shawn Arbaugh | Environmental Group Manager  
Department of Environmental Protection  
Southcentral Regional Office  
909 Elmerton Avenue | Harrisburg, PA 17110  
Phone: 717.705.4772 | Fax: 717.705.4760  
24-Hour Emergency Response: 877.333.1904  
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[sharp@readingpa.org\\_20111020\\_131326.pdf](#)



**Reading's flow and lowing estimates**

**Arbaugh, Shawn** to: Lisa Trakis, Christopher Day,  
Margaret.Hutchinson@usdoj.gov

10/24/2011 11:45 AM

Good Morning All,

This is Reading's flow and loading analysis. This is not final, but will be by the end of the week. We haven't had a chance to review, but will shortly.

Thanks,  
Shawn

**Shawn Arbaugh** | Environmental Group Manager  
Department of Environmental Protection  
Southcentral Regional Office  
909 Elmerton Avenue | Harrisburg, PA 17110  
Phone: 717.705.4772 | Fax: 717.705.4760  
24-Hour Emergency Response: 877.333.1904  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

**From:** Corriveau, Edward  
**Sent:** Monday, October 24, 2011 11:32 AM  
**To:** Mcdonnell, Lee; Arbaugh, Shawn  
**Cc:** Hepford, Gary  
**Subject:** Reading's flow and lowing estimates  
**Importance:** High

**Edward J. Corriveau, P.E.** | Planning and Finance Chief  
Department of Environmental Protection  
Southcentral Regional Office  
909 Elmerton Ave | Harrisburg, PA 17110  
Phone: 717.705.4805 | Fax: 717.705.4760  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)



READING Appendices-(FINAL-DRAFT)-10\_21\_11[1].pdf



## Reading City Temporary Bypass Line

**Arbaugh, Shawn** to: Margaret.Hutchinson@usdoj.gov, Lisa Trakis, Christopher Day

10/11/2011 11:13 AM

Good Morning All,

I just wanted to let you know that we met briefly with Reading this morning to discuss their temporary 42" bypass line and the replacement of the force main. Enclosed is the cost estimate and the timeline associated with the bypass line.

If you have any questions, please let me know.

Thanks,  
Shawn

Shawn Arbaugh | Environmental Group Manager  
Department of Environmental Protection  
Southcentral Regional Office  
909 Elmerton Avenue | Harrisburg, PA 17110  
Phone: 717.705.4772 | Fax: 717.705.4760  
24-Hour Emergency Response: 877.333.1904  
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20111011105237133.pdf

Chris

\* Lisa Trakis---10/03/2012 03:36:05 PM---Hello Chris and Peg, PADEP is holding 10/10 and 10/17 for a check in with Reading as we discussed du

From: Lisa Trakis/R3/USEPA/US

To: Christopher Day/R3/USEPA/US@EPA, [Margaret.Hutchinson@usdoj.gov](mailto:Margaret.Hutchinson@usdoj.gov)

Date: 10/03/2012 03:36 PM

Subject: Reading meeting

---

Hello Chris and Peg,

PADEP is holding 10/10 and 10/17 for a check in with Reading as we discussed during our last call. Do you both have those dates open? Shall I propose one or both to Reading?

As for the question proposed by John Miravich related to our approval of the selected alternative, the letter was not referring to work at the Canal street pump station. We may need clarification on what they are asking about.

Lisa Trakis  
US EPA Region III (3WP42)  
1650 Arch St.  
Philadelphia, PA 19103

215-814-5433 (phone)  
215-814-2301 (fax)



RE: Reading meeting  
 Hutchinson, Margaret (USAPAE)  
 to:  
 Lisa Trakis, Christopher Day  
 10/09/2012 10:09 AM  
 Hide Details  
 From: "Hutchinson, Margaret (USAPAE)" <Margaret.Hutchinson@usdoj.gov>

To: Lisa Trakis/R3/USEPA/US, Christopher Day/R3/USEPA/US@EPA

I can be on a call at 1 tomorrow – Is there a call in number? peg

**From:** Lisa Trakis [<mailto:Trakis.Lisa@epamail.epa.gov>]  
**Sent:** Tuesday, October 09, 2012 9:44 AM  
**To:** Christopher Day  
**Cc:** Hutchinson, Margaret (USAPAE)  
**Subject:** Re: Reading meeting

PADEP is holding 1 pm on the 10th. Do you have any flexibility to move your 1 pm? If not, you and can meet earlier in the day (possibly 10 am?) and then I can speak with PADEP at 1.

Thanks,

Lisa Trakis  
 US EPA Region III (3WP42)  
 1650 Arch St.  
 Philadelphia, PA 19103

215-814-5433 (phone)  
 215-814-2301 (fax)

-----Christopher Day/R3/USEPA/US wrote: -----

To: Lisa Trakis/R3/USEPA/US  
 From: Christopher Day/R3/USEPA/US  
 Date: 10/05/2012 09:49AM  
 Cc: [Margaret.Hutchinson@usdoj.gov](mailto:Margaret.Hutchinson@usdoj.gov)  
 Subject: Re: Reading meeting

Lisa - I am pretty flexible on both those days but would prefer to do it sooner rather than later - do you have a time Lisa? The only commitments I have on Wed 10/10 are at 1--11 and 1-2.

Thanks





**Fw: Voice Message Attached from 16104587500 - FOX ROTHSCHILD**  
**Hutchinson, Margaret (USAPAE)** to: Christopher Day

09/27/2012 08:24 PM

From: "Hutchinson, Margaret (USAPAE)" <Margaret.Hutchinson@usdoj.gov>  
To: Christopher Day/R3/USEPA/US@EPA

History: This message has been replied to.

1 attachment



16104587500\_20120927\_163805.wav

Fyi- I am out of the office and John . May be calling  
you. Peg

----- Original Message -----

From: postmaster@msgsvr.voip.usa.doj.gov [  
mailto:postmaster@msgsvr.voip.usa.doj.gov]  
Sent: Thursday, September 27, 2012 04:38 PM  
To: Margaret Hutchinson  
<MH18282@msgsvr.voip.usa.doj.gov>  
Subject: Voice Message Attached from 16104587500 -  
FOX ROTHSCHILD

Time: Sep 27, 2012 4:38:05 PM  
Click attachment to listen to Voice Message





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Thank you.



**City of Reading**

**Roe, Christopher M.** to: Christopher Day

Cc: "kmooney@barley.com", "mhutchinson@usa.doj.gov"  
"Miravich, John J."

06/04/2010 03:04 PM

From: "Roe, Christopher M." <CRoe@foxrothschild.com>  
To: Christopher Day/R3/USEPA/US@EPA  
Cc: "kmooney@barley.com" <kmooney@barley.com>, "mhutchinson@usa.doj.gov" <mhutchinson@usa.doj.gov>, "Miravich, John J." <JMiravich@foxrothschild.com>

Chris, To follow-up on our brief conversations earlier this week, and for the sake of clarity, my partner John Miravich and I entered our appearances yesterday for the City of Reading in the Consent Decree matter, and we will serve as co-counsel with Keith Mooney on Consent Decree issues going forward. We look forward to working with you and will be in touch next week.

Best regards, Chris

---

Christopher M. Roe, Esquire  
Fox Rothschild LLP  
Eagleview Corporate Center  
747 Constitution Drive, Suite 100  
Exton, PA 19341-0673  
General Office: 610-458-7500  
Direct Dial: 610-458-4987  
Cell: 215-704-5760  
E-mail: [croe@foxrothschild.com](mailto:croe@foxrothschild.com)  
[www.foxrothschild.com](http://www.foxrothschild.com)

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Thank you.



**Reading**

**Roe, Christopher M.** to: Christopher Day

07/09/2010 02:20 PM

From: "Roe, Christopher M." <CRoe@foxrothschild.com>

To: Christopher Day/R3/USEPA/US@EPA

History: This message has been replied to and forwarded.

Chris, Any word on whether you and Peg are willing to meet? Regards,  
Chris

---


Christopher M. Roe, Esquire

Fox Rothschild LLP

Direct Dial: 610-458-4987

Cell: 215-704-5760

E-mail: [croe@foxrothschild.com](mailto:croe@foxrothschild.com)

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Thank you.

Date: 07/09/2010 02:20 PM  
Subject: Reading

Chris, Any word on whether you and Peg are willing to meet? Regards, Chris

---

Christopher M. Roe, Esquire

Fox Rothschild LLP

Direct Dial: 610-458-4987

Cell: 215-704-5760

E-mail: [croe@foxrothschild.com](mailto:croe@foxrothschild.com)

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**RE: Reading**

**Roe, Christopher M.** to: Christopher Day  
Cc: "Margaret.Hutchinson@usdoj.gov", "Miravich, John J."

07/19/2010 06:03 PM

From: "Roe, Christopher M." <CRoe@foxrothschild.com>  
To: Christopher Day/R3/USEPA/US@EPA  
Cc: "Margaret.Hutchinson@usdoj.gov" <Margaret.Hutchinson@usdoj.gov>, "Miravich, John J." <JMiravich@foxrothschild.com>

Chris, thanks for the note. I was not aware of the meeting in H'burg tomorrow. I will check with my colleagues. I will be going on vacation next week, so I'd like to set a time to meet or talk before the end of this week. Regards, Chris

---

Christopher M. Roe, Esquire  
Fox Rothschild LLP  
Direct Dial: 610-458-4987  
Cell: 215-704-5760  
E-mail: [croe@foxrothschild.com](mailto:croe@foxrothschild.com)

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From: Day.Christopher@epamail.epa.gov [mailto:Day.Christopher@epamail.epa.gov]  
Sent: Monday, July 19, 2010 5:58 PM  
To: Roe, Christopher M.  
Cc: Margaret.Hutchinson@usdoj.gov  
Subject: Re: Reading

Chris - apologies for not responding sooner - just back from vacation today.

Fyi - Peg and I along with PADEP have been invited to attend a meeting with the state agency overseeing the Act 47 recovery plan in Harrisburg PA tomorrow. I understand Reading has been invited also. If you are there, perhaps we can discuss further.

If you are not there (and no pressure to attend, given the late notice, etc.) Peg and I will call you later this week to discuss your questions.

Christopher A. Day  
Senior Assistant Regional Counsel  
EPA Region III  
(215) 814-2481

From: "Roe, Christopher M." <CRoe@foxrothschild.com>  
To: Christopher Day/R3/USEPA/US@EPA